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Air Pollution Regulations in State Implementation Plans: California, Monterey Bay Unified APCD

Abcor, Inc, Wilmington, MA Walden Div

Prepared for

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This document has been produced in compliance with Section 110(h)(1) of the Clean Air Act amendments of 1977. The Federally enforceable regulations contained in the State Implementation Plans (SIPs) have been compiled for all 56 States and territories (with the exception of the Northern Mariana Islands). They consist of both the Federally approved State and/or local air quality regulations as indicated in the Federal Register and the Federally promulgated regulations for the State, as indicated in the Federal Register. Regulations which fall into one of the above categories as of January 1, 1978, have been incorporated. As mandated by Congress, this document will be updated annually. State and/or local air quality regulations which have not been Federally approved as of January 1, 1978, are not included here; omission of these regulations from this document in no way affects the ability of the respective Federal, State, or local agencies to enforce such regulations.

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Air Pollution Regulations in State Implementation Plans:

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California

Monterey Bay Unified APCD

by

Walden Division of Abcor, Inc.
Wilmington, Massachusetts

Contract No. 68-02-2890

EPA Project Officer: Bob Schell

Prepared for

U.S. ENVIRONMENTAL PROTECTION AGENCY
Office of Air, Noise, and Radiation
Office of Air Quality Planning and Standards
Research Triangle Park, North Carolina 27711

August 1978

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Publication No. EPA-450/3-78-054-22

INTRODUCTION

This document has been produced in compliance with Section 110(h)(1) of the Clean Air Act Amendments of 1977. The Federally enforceable regulations contained in the State Implementation Plans (SIPs) have been compiled for all 56 States and territories (with the exception of the Northern Mariana Islands). They consist of both the Federally approved State and/or local air quality regulations as indicated in the Federal Register and the Federally promulgated regulations for the State, as indicated in the Federal Register. Regulations which fall into one of the above categories as of January 1, 1978, have been incorporated. As mandated by Congress, this document will be updated annually. State and/or local air quality regulations which have not been Federally approved as of January 1, 1978, are not included here; omission of these regulations from this document in no way affects the ability of the respective Federal, State, or local agencies to enforce such regulations.

There have been recent changes in the Federal enforceability of parking management regulations and indirect source regulations. The October, 1977, appropriation bill for EPA prohibited Federal enforcement of parking management regulations in the absence of specific Federal authorizing legislation. Federally promulgated parking management regulations have, therefore, been suspended indefinitely. Pursuant to the 1977 Clean Air Act Amendments, indirect source regulations may not be required for the approval of a given SIP. Consequently, any State adopted indirect source regulations may be suspended or revoked; State adopted indirect source regulations contained in an applicable SIP are Federally enforceable. More importantly, EPA may only promulgate indirect source review regulations which are specific to Federally funded, operated, or owned facilities or projects. Therefore, the Federally promulgated indirect source regulations appearing in this document are not enforceable by EPA except as they relate to Federal facilities.

Since State air quality regulations vary widely in their organization, content, and language, a standardized subject index is utilized in this document. Index listings consist of both contaminant and activity oriented categories to facilitate usage. For example, for regulations which apply to copper smelters, one might look under sulfur compounds (50.2), particulate matter process weight (50.1.1), or copper smelters (51.15). Federal regulations pertaining to a given State immediately follow the approved State and local regulations.

Additionally, a summary sheet of the information included in each comprehensive document is presented prior to the regulatory text to allow one to quickly assess the contents of the document. Specifically, the summary sheets contain the date of submittal to EPA of each revision

to the SIP and the date of the Federal Register in which the revision was either approved or disapproved by EPA. Finally, a brief description or reference of the regulation which was submitted is also included.

This document is not intended to provide a tool for determining the enforceability of any given regulation. As stated above, it is intended to provide a comprehensive compilation of those regulations which are incorporated directly or by reference into Title 40, Part 52, of the Code of Federal Regulations. Consequently, the exclusion of a Federally approved regulation from this document does not diminish the enforceability of the regulation. Similarly, the inclusion of a given regulation (for example, regulations governing pollutants, such as odors, for which there is no national ambient air quality standards) in this document does not, in itself, render the regulation enforceable.

SUMMARY SHEET

OF

EPA-APPROVED REGULATION CHANGES

MONTEREY BAY UNIFIED (APCD)

Submittal	Approval	Description
6/30/72	9/22/72	All Regs unless otherwise specified
10/23/74	10/27/77	Rules 100-106, 300-303, 400-401, 403, 404 (a) (b)(d), 405-408, 412-417, 419-420, 500-508, 600-616, 800-816 Note: Rule 412 (a)(b) is disapproved Note: Rule 404 (c) for Monterey and Santa Cruz Co. and Rule 408 (b) for San Benito Co. still apply
1/10/75	10/27/77	Rules 409-411, 421 Note: Rule 409 (a) and (a)(5) are disapproved, Rule 410(b)(1) is disapproved Note: Rule 404 (c), 408 (b) San Benito previous rule applies if more stringent
11/3/75	7/26/77	Rule 418
11/10/76	10/27/77	Rules 101, 104, 106, 214 301, 404(c), 406, 407, 415, 601-603, 609, 801, 805, 811

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STATE AIR POLLUTION REGULATIONS

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REGULATION 1 - GENERAL PROVISIONS

(2.0) RULE 100. Title.

These rules and regulations shall be known as the rules and regulations of the Monterey Bay Unified Air Pollution Control District.

(1.0) RULE 101. Definitions.

(a) Except as otherwise specifically provided in these rules and except where the content otherwise indicates, words used in these rules are used in exactly the same sense as the same words are used in Division 26 of the Health and Safety Code.

(b) Agricultural Operation. "Agricultural Operation" means the growing of crops, the raising of fowls, animals or bees, as a gainful occupation.

(c) Air Contaminants. "Air Contaminant" includes smoke, charred paper, dust, colloids, soot, grime, carbon, noxious acid, noxious fumes, noxious gases, odors, or particulate matter, or any combination thereof.

(d) Atmosphere. "Atmosphere" means the air that envelops or surrounds the earth. Where air contaminants are emitted into a building or structure not designed specifically as a piece of air pollution control equipment, such emission into the building or structure shall be considered an emission into the atmosphere.

(e) Board. "Board" means the Air Pollution Control Board of the Monterey Bay Unified Air Pollution Control District.

(f) Burn Day. "Burn Day" means a day on which the California Air Resources Board determines that agricultural burning is permitted within the Monterey Bay Unified Air Pollution Control District.

(g) Combustible Refuse. "Combustible Refuse" is a solid or liquid combustible waste material containing carbon in a free or combined state.

(h) Combustion Contaminants. "Combustion Contaminants" are solid or liquid particles discharged into the atmosphere from the burning of any kind of material containing carbon in a free or combined state.

(i) Dusts. "Dusts" are minute solid particles released into the air by natural forces or by mechanical processes such as crushing, grinding, milling, drilling, demolishing, blasting, shoveling, conveying, covering, bagging, and sweeping, or any combination

thereof.

(j) Flue. "Flue" means any duct or passage for air, gases, or the like, such as a stack or chimney.

(k) Fumes. "Fumes" are minute solid particles generated by the condensation of vapors from solid matter after volatilization from the molten state, or generated by sublimation, distillation, calcination, or chemical reaction, when these processes create air-borne particles.

(l) Household Rubbish. "Household Rubbish" means waste material and trash, including garden trash and prunings, normally accumulated by a family in a residence in the course of ordinary day to day living.

(m) Incinerator. "Incinerator" means any furnace or other closed fire chamber used for the burning of combustible refuse from which the products of combustion are directed through a chimney or flue.

(n) Multiple-Chamber Incinerator. "Multiple-Chamber Incinerator" is any article, machine, equipment, contrivance, structure or part of a structure, used to dispose of combustible refuse by burning, consisting of three or more refractory lined combustion furnaces in series, physically separated by refractory walls, interconnected by gas passage ports or ducts and employing adequate design parameters necessary for maximum combustion of the material to be burned. The refractories shall have a Pyrometric Cone Equivalent of at least 17, tested according to the method described in the American Society for Testing Materials, Method C-24.

(o) Oil-Effluent Water Separator. "Oil-Effluent Water Separator" is any tank, box, sump or other container in which any petroleum or product thereof, floating on or entrained or contained in water entering such tank, box, sump or other container, is physically separated and removed from such water prior to outfall, drainage, or recovery of such water.

(p) Open Outdoor Fire. "Open Outdoor Fire" means the burning or smoldering of any combustible material of any type outdoor in the open air, either inside or outside a fireproof container, where the products of combustion are not directed through a chimney or flue.

(q) Particulate Matter. "Particulate Matter' is any material, except uncombined water, which exists in a finely divided form as a liquid or solid at standard conditions.

(r) Person. "Person" means any person, firm, association, organization, partnership, business trust, corporation, company, contractor,

supplier, installer, user, owner, or any state or local governmental agency or public district, or any officer or employee thereof. "Person" also means the United States or its agencies, to the extent authorized by Federal law.

(s) Process Weight per Hour. "Process Weight" is the total weight of all materials introduced into any specific process which process may cause any discharge into the atmosphere. Solid fuels charged will be considered as part of the process weight, but liquid and gaseous fuels and combustion air will not. "The Process Weight per Hour" will be derived by dividing the total process weight by the number of hours in one cycle or operation from the beginning of any given process to the completion thereof, excluding any time during which the equipment is idle.

(t) Regulation. "Regulation" means one of the major subdivisions of the rules of the Monterey Bay Unified Air Pollution Control District.

(u) Rule. "Rule" means a rule of the Monterey Bay Unified Air Pollution Control District.

(v) Section. "Section" means the section of the Health and Safety Code of the State of California unless some other statute is specifically mentioned.

(w) Source Operation. "Source Operation" means the last operation preceding the emission of an air contaminant, which operation

(1) results in the separation of the air contaminant from the process materials or in the conversion of the process materials into air contaminants, as in the case of combustion of fuel, and

(2) is not an air pollution abatement operation.

(1.0) RULE 102. Standard Conditions.

As used in these regulations, standard conditions are a gas temperature of 60 degrees Fahrenheit and a gas pressure of 14.7 pounds per square inch absolute. Results of all analyses and tests shall be reduced to standard conditions and shall be calculated to and reported at this gas temperature and pressure.

(2.0) RULE 103. Effective Date.

These rules and regulations shall take effect on September 1, 1974. Future amendments to these rules and regulations shall take effect on the dates specified therein or as specified in the order by which they are adopted.

(15.0) RULE 104. Arrests and Notices to Appear.

Pursuant to the provisions of Penal Code Section 836.5, the Air Pollution Control Officer and his deputies are authorized to arrest without a warrant and issue written notices to appear whenever they have reasonable cause to believe that the person to be arrested has committed a misdemeanor in their presence which is a violation of a rule or regulation of the Monterey Bay Unified Air Pollution Control District or a violation of a section of Chapter 3 of Part 4 of Division 26 of the Health and Safety Code of the State of California, or any provision of the vehicle Code relating to the emission or control of air contaminants.

(2.0) RULE 105. Separate Zone.

San Benito County shall be considered as a separate zone with respect to rules pertaining to open burning, single chamber incinerators and range improvement burning.

(2.0) RULE 106. Increments of Progress.

(a) Unless and until the Air Pollution Control District Hearing Board authorizes such operation, no person shall operate any article, machine, equipment, or any other contrivance if such person fails to achieve any scheduled increment of progress established pursuant to Sections 42358, Health and Safety Code or by the Air Pollution Control Board pursuant to Section 41703, Health and Safety Code.

(b) Whenever the Air Pollution Control Board adopts or modifies a rule in Regulation IV of these regulations and such new rule or modified rule contains a compliance schedule with increments of progress, the owner or operator of the affected article, machine, equipment, or other contrivance shall, within five days after each of the dates specified in the compliance schedule, certify to the Air Pollution Control Officer, in the form and manner specified by the Air Pollution Control Officer, that the increments of progress have or have not been achieved.

(c) Whenever the Air Pollution Control Hearing Board approves a compliance schedule with increments of progress, the owner or operator of the affected article, machine equipment or other contrivance shall, within five days after each of the dates specified in the compliance schedule, certify to the Air Pollution Control Officer, in the form and manner specified, that the increments of progress have or have not been achieved.

(d) For the purposes of this rule:

(1) "Compliance Schedule" means the date or dates by which a source or category of sources is required to comply with specific

emission limitations contained in any air pollution rule, regulation, or statute and with any increment of progress toward such compliance.

(2) "Increments of Progress" means steps toward compliance which will be taken including:

a. The date of submittal of the source's final control plan to the Air Pollution Control Officer.

b. The date by which contracts for emission control systems of process modifications will be awarded; or the date by which orders will be issued for the purchase of component parts to accomplish modification.

c. The date of initiation of onsite construction or installation of emission control equipment or process change.

d. The date by which onsite construction or installation of emission control equipment or process modification is to be completed.

e. The date by which final compliance is to be achieved.

f. Such additional increments of progress as may be necessary or appropriate to permit close and effective supervision of progress toward timely compliance.

REGULATION II - PERMITS

(3.0) RULE 200. Permits Required.

(a) Authority to Construct. Before any person builds, erects, alters, replaces, operates, sells, rents or uses any article, machine, equipment or other contrivance which may cause the issuance of air contaminants or the use of which may eliminate or reduce or control the issuance of air contaminants, such person shall obtain a written authority to construct from the Air Pollution Control Officer. A single authority to construct may be issued for all components to an integrated system or process. An authority to construct shall remain in effect until the permit to operate the equipment for which the application was filed is granted or denied or the application is cancelled.

(b) Permit to Operate. Before any article, machine, equipment or other contrivance described in Rule 200 (a) (Authority to Construct) may be operated or used, a written permit shall be obtained from the Air Pollution Control Officer. No permit to operate or use shall be granted either by the Air Pollution Control Officer, or the Hearing Board for any article, machine, equipment or contrivance described in Rule 200 (a) (Authority to Construct) until the information required is presented to the Air Pollution Control Officer and such article, machine, equipment or contrivance is altered, if necessary, and made to conform to the standards set forth in Rule 208 and elsewhere in these Rules and Regulations.

(c) Review of Permits. The Air Pollution Control Officer may at any time require from an applicant for, or holder of, any authority to construct or permit to operate, such information, analyses, plans or specifications as will disclose the nature, extent, quantity or degree of air contaminants which are or may be discharged into the atmosphere.

(d) Posting of Permit to Operate. A person who has been granted under Rule 200 (b) a permit to operate any article, machine, equipment, or other contrivance described in Rule 200 (b), shall firmly affix such permit to operate, an approved facimile, or other approved identification bearing the permit number upon the article, machine, equipment or other contrivance in such a manner as to be clearly visible and accessible. In the event that the article, machine, equipment, or other contrivance is so constructed or operated that the permit to operate cannot be so placed, the permit to operate shall be mounted so as to be clearly visible in an accessible place within 25 feet of the article, machine, equipment, or other contrivance, or maintained readily available at all times on the operating premises.

(e) Alteration of Permit. A person shall not willfully deface, alter, forge, counterfeit, or falsify any permit issued under these Rules and Regulations. Violation of Rule 200 (e) is a misdemeanor pursuant to the provisions of Section 24281 of the Health and Safety Code of the State of California.

(f) Control Equipment. Nothing in this rule shall be construed to authorize the control officer to require the use of machinery, devices, or equipment of a particular type or design if the required emission standard may be met by machinery, device, equipment, product, or process change otherwise available.

(3.0) RULE 201. Sources Not Requiring Permits.

An authority to construct or a permit to operate shall not be required for the sources hereinafter set out, provided, however, said sources shall comply with all other applicable district rules and regulations.

(a) Vehicles as defined by the Vehicle Code of the State of California but not including any article, machine, equipment, or other contrivance mounted on such vehicle that would otherwise require a permit under the provisions of these Rules and Regulations.

(b) Vehicles used to transport passengers or freight.

(c) Equipment utilized, exclusively in connection with any structure which is designed for and used exclusively as a dwelling for not more than four families.

(d) The following equipment:

(1) Comfort air conditioning or comfort ventilating systems which are not designed to remove air contaminants generated by or released from specific units or equipment.

(2) Refrigeration units except those used as, or in conjunction with, air pollution control equipment.

(3) Piston type internal combustion engines.

(4) Water cooling towers and water cooling ponds not used for evaporative cooling of process water or not used for evaporative cooling of water from barometric jets or from barometric condensers.

(5) Equipment used exclusively for steam cleaning.

(6) Presses used exclusively for extruding metals, minerals, plastics, or wood.

(7) Equipment used exclusively for space heating other than boilers.

(8) Equipment used for hydraulic or hydrostatic testing.

(9) All sheet-fed printing presses and all other printing presses without dryers.

(10) Ovens used exclusively for the curing of plastics which are concurrently being vacuum held to a mold or for the softening or annealing of plastics.

(11) Equipment used exclusively for the dying or stripping (bleaching) of textiles where no organic solvents, diluents or thinners are used.

(12) Equipment used exclusively to mill or grind coatings and molding compound where all materials charged are in a paste form.

(13) Crucible type or pot type furnaces with a brimful capacity of less than 450 cubic inches or any molten metal.

(14) Equipment used exclusively for the melting or applying of wax where no organic solvents, diluents or thinners are used.

(15) Equipment used exclusively for bonding lining to brake shoes.

(16) Lint traps used exclusively in conjunction with dry cleaning tumblers.

(17) Equipment used in eating establishments for the purpose of preparing food for human consumption.

(18) Equipment used exclusively to compress or hold dry natural gas.

(19) Tumblers used for the cleaning or deburring of metal products without abrasive blasting.

(20) Shell core and shell mold manufacturing machines.

(21) Molds used for the casting of metals.

(22) Abrasive blast cabinet-dust filter integral combination units where the total internal volume of the blast section is 50 cubic feet or less.

(23) Batch mixers of five cubic feet rated working capacity or less.

(24) Equipment used exclusively for the packaging of lubricants or

greases.

(25) Equipment used exclusively for the manufacture of water emulsions of asphalt, greases, oils or waxes.

(26) Ovens used exclusively for the curing of vinyl plastisols by the closed mold curing process.

(27) Equipment used exclusively for the mixing and blending or materials at ambient temperature to make water-based adhesives.

(28) Equipment used exclusively for conveying and storing plastic pellets.

(29) Platen presses used for laminating.

(30) Smokehouses in which the maximum horizontal inside cross-sectional area does not exceed 20 square feet.

(31) Orchard heaters.

(e) The following equipment or any exhaust system or collector serving exclusively such equipment:

(1) Blast cleaning equipment using a suspension of abrasive in water.

(2) Ovens, mixers and blenders used in bakeries where the products are edible and intended for human consumption.

(3) Kilns used for firing ceramic ware, heated exclusively by natural gas, liquified petroleum gas, electricity or any combination thereof.

(4) Laboratory equipment used exclusively for chemical or physical analyses and bench scale laboratory equipment.

(5) Equipment used for inspection of metal products.

(6) Confection cookers where the products are edible and intended for human consumption.

(7) Equipment used exclusively for forging, pressing, rolling or drawing of metals or for heating metals immediately prior to forging, pressing, rolling or drawing.

(8) Die casting machines.

(9) Atmospheric generators used in connection with metal heat treating processes.

(10) Photographic process equipment by which an image is reproduced upon material sensitized to radiant energy.

(11) Brazing, soldering, or welding equipment.

(12) Equipment using aqueous solutions for surface preparation, cleaning, stripping, etching, (does not include chemical milling) or the electrolytic plating with electrolytic polishing of, or the electrolytic stripping of bronze, brass, cadmium, copper, iron, lead, nickel, tin, zinc, and precious metals.

(13) Equipment used exclusively for the sintering of glass or metals.

(14) Equipment used for washing or drying products fabricated from metal, cloth, fabric, or glass, provided that no volatile organic materials are used in the process and that no oil or solid fuel is burned.

(15) Laundry and dry cleaning equipment used for cleaning fabrics.

(16) Foundry sand mold forming equipment to which no heat is applied.

(17) Ovens used exclusively for curing potting materials or castings made with epoxy resins.

(18) Equipment used to liquify or separate oxygen, nitrogen or the rare gases from the air.

(19) Equipment used for compression molding and injection molding of plastics.

(20) Mixers for rubber or plastics where no material in powder form is added and no organic solvents, diluents or thinners are used.

(21) Equipment used exclusively to grind, blend, or package tea, cocoa, spices or roasted coffee by retail establishments.

(22) Equipment used exclusively to package pharmaceuticals and cosmetics or to coat pharmaceutical tablets.

(23) Roll mills or calenders for rubber or plastics where no organic solvents, diluents, or thinners are used.

(24) Vacuum producing devices used in laboratory operations or in connection with other equipment which is exempt by Rule 201.

(25) Equipment used for non-commercial buffing (except automatic or semi-automatic tire buffers) or polishing, carving, cutting, drilling, machining, routing, sanding, sawing, surface grinding or turning or ceramic artwork, ceramic precision parts, leather, metals, plastics, rubber, fiberboard, masonry, asbestos, carbon or graphite.

(26) Equipment used for non-commercial carving, cutting, drilling, surface grinding, planing, routing, sanding, sawing, shredding or turning of wood, or the pressing or storing of sawdust, wood chips, or wood shavings.

(f) Steam generators, steam superheaters, water boilers, water heaters, and closed heat transfer systems of 15 million BTU per hour capacity or less that are fired exclusively with natural gas or liquified petroleum gas or any combination thereof.

(g) Natural draft hoods, natural draft stacks or natural draft ventilators where no organic solvents, diluents, or thinners are used.

(h) Containers, reservoirs, or tanks used exclusively for:

(1) Dipping operations for coating objects with oils, waxes, or greases where no organic solvents, diluents or thinners are used.

(2) Dipping operations for applying coatings of natural or synthetic resins which contain no organic solvents.

(3) Storage of liquified gases.

(4) Unheated storage of organic materials with an initial boiling point of 300° or greater.

(5) The storage of fuel oils and lubricating oils.

(6) The storage or organic liquids, including gasoline, normally used as solvents, diluents or thinners, inks, colorants, paints, lacquers, enamels, varnishes, liquid resins or other surface coatings.

(7) The storage of liquid soaps, liquid detergents, waxes, wax emulsions, or vegetable oils.

(8) The storage of asphalt.

(9) Unheated solvent dispensing containers, unheated non-conveyorized solvent rinsing containers or unheated non-conveyorized coating dip tanks of 1,000 gallons capacity of less.

(10) Transporting materials on streets or highways.

(11) Storage of gasoline in underground tanks having a capacity of 10,000 gallons or less.

(i) Natural gas-fired or liquified petroleum gas-fired or electrically heated furnaces for heat treating glass or metals, the use of which does not involve molten materials.

(j) Crucible furnaces, pot furnaces or induction furnaces, with a capacity of 1,000 pounds or less each, in which no sweating or distilling is conducted and from which only the following metals are poured or in which only the following metals are held in a molten state:

(1) Aluminum or any alloy containing over 50 percent aluminum.

(2) Magnesium or any alloy containing over 50 percent magnesium.

(3) Lead or any alloy containing over 50 percent lead.

(4) Tin or any alloy containing over 50 percent tin.

(5) Zinc or any alloy containing over 50 percent zinc.

(6) Copper.

(7) Precious metals.

(k) Furnaces for the melting of lead or any alloy, or the holding of lead or any alloy in a molten state where the metal is used exclusively in printing processes.

(l) Vacuum cleaning systems used exclusively for industrial, commercial or residential housekeeping purposes.

(m) Structural changes which cannot change the quality, nature or quantity of air contaminant emissions.

(n) Repairs or maintenance not involving structural changes to any equipment for which a permit has been granted.

(o) Identical replacements in whole or in part of any article, machine, equipment or other contrivance where a permit to operate has

(p) Any article, machine, equipment, contrivance or their exhaust systems, the discharge from which contains air contaminants only in the form of radioactive materials.

Atomic energy development and radiation protection are controlled by the State of California to the extent it has jurisdiction thereof, in accordance with the advice and recommendations made to the Governor by the Advisory Council on Atomic Energy Development and Radiation Protection. Such development and protection are fully regulated by the United States Atomic Energy Commission to the extent that such authority has not been delegated to the states.

(3.0) RULE 202. Transfer.

Any permit or written authorization issued hereunder shall not be transferable, by operation of law or otherwise, from one location to another, from one piece of equipment ot another, or from one person to another.

(3.0) RULE 203. Time to Obtain Permit to Operate.

Notwithstanding the provisions of Rule 200 requiring a permit to operate, a person who, prior to July 1, 1970, operated or used any article, machine, equipment, or other contrivance in compliance with all laws, statutes, and ordinances, for the operation and use of which these Rules and Regulations require a permit to operate, may continue to operate or use such article, machine, equipment or contrivance until January 1, 1971, without obtaining a permit to operate.

On and after January 1, 1971, no person shall operate or use any article, machine, equipment, or other contrivance, for the use of which these Rules and Regulations require a permit to operate, without having obtained said permit to operate or having secured a variance from the Hearing Board pursuant to Regulation VI of these Rules and Regulations; provided, however, it is the policy of this Board that all persons should bring their processes into complicance with these permit requirements within the time specified by the Hearing Board.

(3.0) RULE 204. Applications.

Every application for an authority to construct or any permit required under Rule 200 shall be filed in the manner prescribed by the Air Pollution Officer, on a form prescribed by the Air Pollution Control Officer, and shall give all the information necessary to enable the Air Pollution Control Officer to make the determination required by Rule 208 hereof.

(3.0) RULE 205. Cancellation of Applications.

An authority to construct shall expire and the application shall be cancelled 2 years from the date of issuance of the authority to construct; provided, however, that when a period of longer than 2 years is stated in the application to be required for the construction, the authority to construct shall expire and the application shall be cancelled upon the expiration of such construction period, but in any event not later than five years from the date of issuance of the authority to construct.

(3.0) RULE 206. Action on Applications.

The Air Pollution Control Officer shall act within 60 days after receipt of an application for authority to construct, or permit to operate or permit to sell or rent, as stated in Section 24263 of the Health and Safety Code, or within 30 days after the applicant furnishes additional information requested by the Air Pollution Control Officer; and shall notify the applicant in writing by mail or in person of the action taken; namely approval, conditional approval or denial. Notice of the action taken shall be deemed to have been given when the written notification has been deposited in the mail, postpaid, addressed to the address shown on the application, or when personally delivered to the applicant or his representative.

(3.0) (9.0) RULE 207. Provision of Sampling and Testing Facilities.

A person operating or using any article, machine, equipment, or other contrivance for which these rules require a permit shall provide and maintain such sampling and testing facilities as specified in the authority to construct or permit to operate.

(3.0) RULE 208. Standards for Granting Applications.

(a) The Air Pollution Control Officer shall deny an authority to construct, permit to operate or use, or permit to sell or rent, except as provided in Rule 209 if the applicant does not show that every article, machine, equipment or other contrivance, the use of which may cause the issuance or air contaminants or the use of which may eliminate or reduce or control the issuance of air contaminants, is so designed, controlled, or equipped with such air pollution control equipment that it may be expected to operate without emitting air contaminants in violation of Sections 24242 or 24243, Health and Safety Code, or of these Rules and Regulations.

(b) Before an authority to construct or a permit to operate is granted, the Air Pollution Control Officer may require the applicant to provide and maintain such facilities as are necessary for sampling and testing purposes in order to secure information that will disclose the nature, extent, quantity or degree of air contaminants discharged

into the atmosphere from the article, machine, equipment or other contrivance described in the authority to construct or permit to operate. In the event of such requirement, the Air Pollution Control Officer shall notify the applicant in writing of the required size, number and location of sampling holes; the size and location of the sampling platform; the access to the sampling platform; and the utilities for operating the sampling and testing equipment. The platform and access shall be constructed in accordance with the General Industrial Safety Orders of the State of California.

(c) In acting upon a permit to operate, if the Air Pollution Control Officer finds that the article, machine, equipment or other contrivance has not been constructed in accordance with the authority to construct, he shall deny the permit to operate. The Air Pollution Control Officer shall not accept any further application for permit to operate the article, machine, equipment, or other contrivance so constructed until he finds that the article, machine, equipment or other contrivance has been constructed in accordance with the authority to construct.

(d) The granting of a permit does not exempt the holder from present and future regulations of the Air Pollution Control District.

(3.0) RULE 209. Conditional Approval.

(a) The Air Pollution Control Officer may issue an authority to construct or permit to operate or use, subject to conditions which will bring the operation of any article, machine, equipment or other contrivance within the standards of Rule 208, in which case the conditions shall be specified in writing. Commencing work under such an authority to construct or operation under such a permit to operate shall be deemed acceptance of all the conditions so specified. The Air Pollution Control Officer shall issue an authority to construct or a permit to operate with revised conditions upon receipt of a new application, if the applicant demonstrates that the article, machine, equipment or other contrivance can operate within the standards of Rule 208 under the revised conditions.

(b) The Air Pollution Control Officer may issue a permit to sell or rent, subject to conditions which will bring the operation of any article, machine, equipment or other contrivance within the standards of Rule 208, in which case the conditions shall be specified in writing. Selling or renting under such a permit to sell or rent shall be deemed acceptance of all conditions so specified. The Air Pollution Control Officer shall issue a permit to sell or rent with revised conditions upon receipt of a new application, if the applicant demonstrates that

the article, machine, equipment or other contrivance can operate within the standards of Rule 208 under the revised conditions.

(3.0) RULE 210. Denial of Applications.

In the event of denial of an authority to construct, permit to operate or permit to sell or rent, the Air Pollution Control Officer shall notify the applicant in writing of the reasons therefore. Service of this notification may be made in person or by mail, addresses to the applicant at the address set forth on the application, and such service may be proved by the written acknowledgement of the persons served or affidavit of the person making the service. The Air Pollution Control Officer shall not accept a further application unless the applicant has complied with the objections specified by the Air Pollution Control Officer as his reasons for denial of the authority to constuct, the permit to operate or the permit to sell or rent.

(3.0) RULE 211. Further Information.

Before acting on an application for authority to construct, permit to operate or permit to sell or rent, the Air Pollution Control Officer may require the applicant to furnish information or further plans or specifications.

(3.0) RULE 212. Applications Deemed Denied.

The applicant may at his option deem the authority to construct, permit to operate, or permit to sell or rent denied if the Air Pollution Control Officer fails to act on the application within 60 days after filing, or within 30 days after applicant furnishes the further information, plans and specifications requested by the Air Pollution Control Officer, whichever is later.

(3.0) RULE 213. Appeals.

Within 10 days after notice by the Air Pollution Control Officer of denial or conditional approval of an authority to construct, permit to operate or use or permit to sell or rent, or within 10 days after the application is deemed denied pursuant to Rule 212, the applicant may petition the Hearing Board, in writing, for a public hearing. The Hearing Board, after notice and a public hearing held within 30 days after filing the petition, may sustain, reverse or modify the action of the Air Pollution Control Officer; such order may be made subject to specified conditions

(14.0) RULE 214. Public Availability of Emission Data. (Revised 7-15-76)

(a) In accordance with provisions of the Government Code Section 6254.7, all information, analysis, plans or specification that disclose the nature, extent, quantity, or degree of air contaminants or other pollution which any article, machine, equipment, or other contrivance

will produce which the District requires any applicant to provide before such applicant builds, erects, alters, replaces, operates, sells rents or uses such article, machine, equipment, or other contrivance are public records.

(b) All air or other pollution monitoring data, including data compiled from stationary sources, are public records.

(c) Except as otherwise provided in d., trade secrets are not public records under the Regulation. Trade secrets, as used in this Regulation may include, but are not limited to any formula, plan pattern, process, tool, mechanism, compounds, procedure, production rate, or compilation of information which is not patented, which is known only to certain individuals within a commercial concern who are using it to fabricate, produce, or compound an article of trade or a service having commercial value and which gives its users an opportunity to obtain a business advantage over competitors who do not know or use it. The owner or operator shall state in writing his justification for claiming material as trade secrets and such justification shall be public record. The Air Pollution Control Officer shall rule on the validity of trade secret claims within fifteen (15) days after receipt of the request. In cases of rejection, the Air Pollution Control Officer shall promptly notify the person making the justification, in writing, that the records in question shall, within twenty-one (21) days be subject to public inspection unless a justification is received and accepted.

(d) Notwithstanding any otherprovisions of the law, all air pollution emission data, including these emission data which constitute trade secrets as defined in (c) are public records. Data used to calculate emission data are not emission data for purposes of this rule and data which constitute trade secrets and which are used to calculate emission data are not public records.

(e) Upon request, any specific public records in the possession of the District will be made available to the public within fifteen (15) days. If, for good cause, the information cannot be made available within the fifteen (15) days, the Air Pollution Control Officer shall notify the requesting person of the reason for the delay and when the information will be available. Requests from the public for records shall be in writing, shall be specific and in sufficient detail to enable the District to readily identify the information requested.

REGULATION III - FEES

(3.0) RULE 300. Permit Fees.

(a) Filing Fee. Every applicant, except any state or local governmental agency or public district, for an authority to construct or a permit to operate any article, machine, equipment or other contrivance, for which an authority to construct or permit to operate is required by (the State law or) the Rules and Regulations of the Air Pollution Control District, shall pay a filing fee of $20.00.

Where an application is filed for a permit to operate any article, machine, equipment or other contrivance by reason of transfer from one person to another, and where a permit to operate had previously been granted under Rule 200 and no alteration, addition or transfer of location without permit has been made, the applicant shall pay only a $10.00 filing fee.

(b) Permit Fee. Every applicant, except any state or local governmental agency or public district, for a permit to operate, who files application with the Air Pollution Control Officer, shall in addition to the filing fee prescribed herein, pay the fee for the issuance of a permit to operate in the amount prescribed in Rule 301 provided, however, that the filing fee shall be applied to the fee prescribed for the issuance of the permit to operate.

Every person who operated an article, machine, equipment or other contrivance under the provisions of Rule 200 (c) of the San Benito County Air Pollution Control District shall obtain a written permit on or before January 1, 1975. No filing fee will be charged, and the permit fee shall be equivalent to an annual renewal fee under these regulations.

(c) Permit Fee Penalty. When the permit is issued, it shall be accompanied by a statement of the fee to be paid therefor. If the fee is not paid within 30 days after the permit is issued, the fee shall be increased by one-half the amount thereof and the Air Pollution Control Officer shall thereupon promptly notify the applicant of the increased fee by mail. If the increased fee is not paid within 60 days after the permit is issued, the application shall be deemed withdrawn and canceled. The Air Pollution ControlOfficer shall so notify the applicant by mail, and the permit shall be void.

(d) Permit Granted by Hearing Board. In the event that a permit to operate is granted by the Hearing Board after denial by the Air Pollution Control Officer, the provisions of paragraph (c) hereof shall apply.

(e) Cancellation or Denial. If an application for an authority to construct or a permit to operate is canceled or if an authority to construct or permit to operate is denied and such denial becomes final, the filing fee required herein shall not be refunded nor applied to any subsequent application.

(f) Transfer of Location. Where an application is filed for a permit to operate any article, machine, equipment or other contrivance by reason of transfer of location and where a permit to operate had previously been granted for such equipment under Rule 200 and no alteration or addition without permit has been made, the applicant shall pay only the amount of the filing fee required herein. The annual renewal fee at the new location shall be the same as if there had been no change in location and the anniversary date for payment of the renewal fee will remain unchanged.

(g) Alteration of Equipment. Where an application is filed for an authority to construct or a permit to operate exclusively involving alterations or additions resulting in a change to any existing article, machine, equipment or other contrivance holding a permit under the provisions of Rule 200 of these Rules and Regulations, the applicant shall be assessed a fee based upon the increase in total horsepower rating, the increase in total fuel consumption expressed in thousands of British Thermal Units (BTU) per hour, the increase in total electrical energy rating, the increase in maximum horizontal inside cross sectional area or the increase in total stationary container capacity resulting from such alterations or additions, as described in the fee schedules contained herein. Where there is no change or is a decrease in such rating, the applicant shall pay only the amount of the filing fee required herein. Where a new permit is granted because of alterations or additions to equipment which had previously been granted a permit under Rule 200, the annual renewal fee will be calculated on the basis of the new rating and will continue to be due and payable on the anniversary date of the original permit.

(h) Revising Permit Conditions. Where an application is filed for a permit to operate exclusively involving revisions to the conditions of an existing permit to operate, the applicant shall pay only the amount of the filing fee required herein. The annual renewal fee will continue to be due and payable on the anniversary date of the original permit.

(i) Annual Renewal Fee. Annually on the anniversary of the issuance of a permit to operate previously granted by the Monterey-Santa Cruz County Unified Air Pollution Control District, or the San Benito County Air Pollution Control District, or under Rule 200, the permittee shall pay a renewal fee amounting to one-fourth of the initial permit fee under current fee schedules. The holder of permits with

more than one anniversary date may adjust annual renewal payments to a single anniversary date by prorating renewal fee(s) as necessary. If the renewal fee is not paid within 30 days after it becomes due, the fee shall be increased by one-half the amount thereof, and the Air Pollution Control Officer shall thereupon promptly notify the permittee by mail of the increased fee. If the increased fee is not paid within 30 days after such notice, the permit shall be automatically revoked and the Air Pollution Control Officer shall so notify the permittee by mail.

(j) Multiple Locations. When permits have been issued to operate movable equipment at two or more locations, only one annual renewal fee will be charged. The anniversary date on which the annual renewal fee will be due will be that noted on the original permit.

(k) Duplicate Permit. A request for a duplicate permit to operate shall be made in writing to the Air Pollution Control Officer within 10 days after the destruction, loss or defacement or a permit to operate and shall contain the reason duplicate permit is being requested. A fee of $5.00 shall be paid except by any state or local governmental agency or public district, for issuing a duplicate permit to operate.

(3.0) RULE 301. Permit Fee Schedules.

It is hereby determined that the cost of issuing permits, and of inspections pertaining to such issuance exceeds the fee prescribed herein. In the event that more than one fee schedule is applicable to a permit to operate, the governing schedule shall be that which results in the higher fee. Where a group of articles, machines, equipment, or other contrivances are included in a single permit, the permit fee shall be based on the total rating of the group.

SCHEDULE I

ELECTRIC MOTOR HORSEPOWER SCHEDULE

Any article, machine, equipment, or other contrivance where an electric motor is used as the power supply shall be assessed a permit fee based on the total rated motor horsepower of all such electric motors included in any such article, machine, equipment or other contrivance, in accordance with the following schedule:

HORSEPOWER	FEE
up to and including 5	$ 20.00
greater than 5 but less than 15	40.00
15 or greater but less than 30	60.00
30 or greater but less than 45	80.00
45 or greater but less than 65	120.00
65 or greater but less than 125	200.00
125 or greater but less than 200	320.00
200 or greater	500.00

SCHEDULE 2

FUEL BURNING EQUIPMENT SCHEDULE

Any article, machine, equipment or other contrivance in which fuel is burned, with the exception of incinerators which are covered in Schedule 4, shall be assessed a permit fee based upon the design fuel consumption of the article, machine, equipment or other contrivance expressed in thousands of British Thermal Units (BTU) per hour, using gross heating values of the fuel, in accordance with the following schedule:

1000 BRITISH THERMAL UNITS PER HOUR	FEE
up to and including 150	$ 20.00
greater than 150 but less than 500	40.00
500 or greater but less than 1,500	60.00
1,500 or greater but less than 5,000	80.00
5,000 or greater but less than 15,000	120.00
15,000 or greater but less than 50,000	200.00
50,000 or greater but less than 150,000	300.00
150,000 or greater but less than 500,000	400.00
500,000 or greater	500.00

SCHEDULE 3

ELECTRICAL ENERGY SCHEDULE

Any article, machine, equipment or other contrivance which uses electrical energy, with the exception of electric motors covered in Schedule 1, shall be assessed a permit fee based on the total kilovolt ampere (KVA) ratings, in accordance with the following schedule:

KILOVOLT AMPERE	FEE
up to and including 45	$ 20.00
greater than 45 but less than 145	40.00
145 or greater but less than 450	60.00
450 or greater but less than 1,450	80.00
1,450 or greater but less than 4,500	120.00
4,500 or greater but less than 14,500	200.00
14,500 or greater but less than 45,000	300.00
45,000 or greater but less than 145,000	400.00
145,000 or greater	500.00

SCHEDULE 4

INCINERATOR SCHEDULE

Any article, machine, equipment or other contrivance designed and used primarily to dispose of combustible refuse by wholly consuming the

material charged leaving only the ashes or residue shall be assessed a permit fee based on the following schedule of the maximum horizontal inside cross sectional area, in square feet, of the primary combustion chamber:

AREA, IN SQUARE FEET	FEE
up to and including 3	$ 20.00
greater than 3 but less than 6	40.00
6 or greater but less than 9	60.00
9 or greater but less than 16	80.00
16 or greater but less than 27	100.00
27 or greater but less than 45	160.00
47 or greater but less than 90	200.00
90 or greater but less than 200	300.00
200 or greater	400.00

SCHEDULE 5

STATIONARY CONTAINER SCHEDULE

Any stationary tank, reservoir, or other container shall be assessed a permit fee based on the following schedule or capacities in gallons or cubic equivalent:

GALLONS	FEE
upt to and including 4,000	$ 20.00
greater than 4,000 but less than 10,000	40.00
10,000 or greater but less than 40,000	80.00
40,000 or greater but less than 400,000	120.00
400,000 or greater but less than 4,000,000	160.00
4,000,000 or greater	200.00

SCHEDULE 6

MISCELLANEOUS SCHEDULE

Any article, machine, equipment or other contrivance for which a permit to operate is required and which is not included in the preceding schedules shall be assessed a permit fee of $20.00

(2.0) (9.0) RULE 302. Analysis Fees.

Whenever the Air Pollution Control Officer finds that an analysis of the emission from any source is necessary to determine the extent and amount of pollutants being discharged into the atmosphere which cannot be determined by visual observation, he may order the collection of samples and the analysis made by qualified personnel of the Air Pollution Control District. The time required for collecting samples, making

the analysis, and preparing the necessary reports, but excluding time required in going to and from such premises shall be charged against the owner or operator of said premises in a reasonable sum to be determined by the Air Pollution Control Officer, which said sum is not to exceed the actual cost of such work.

(2.0) (13.0) RULE 303. Technical Reports - Charges For:

Information, circulars, reports of technical work, and other reports prepared by the Air Pollution Control Districts when supplied to other governmental agencies or individuals or groups requesting copies of the same may be charged for by the District in a sum not to exceed the cost of preparation and distribution of such documents. All such monies collected shall be turned into the general funds of the said District.

REGULATION IV - PROHIBITIONS

(50.1.2) RULE 400. Ringelmann Chart.

A person shall not discharge into the atmosphere from any single source of emission whatsoever any air contaminant for a period or periods aggregating more than three minutes in any one hour which is:

(a) As dark or darker in shade as that designated as No. 1 on the Ringelmann Chart, as published by the United States Bureau of Mines, or

(b) Of such opacity as to obscure an observer's view to a degree equal to or greater than does smoke described in subsection (a) of this rule.

(50.1.2) RULE 401. Wet Plumes.

Where the presence of uncombined water is the only reason for the failure of an emission to meet the limitations of Rule 400, that rule shall not apply. The burden of proof which establishes the application of this Rule 401 shall be upon the person seeking to come within its provisions.

(50.7) RULE 402. Nuisance.

A person shall not discharge from any source whatsoever such quantities of air contaminants or other materials which cause injury, detriment, nuisance or annoyance to any considerable number of persons or to the public or which endanger the comfort, repose, health or safety of any such persons or the public or which cause or have a natural tendency to cause injury or damage to business or property. (Section 24243).

(50.1) RULE 403. Particulate Matter.

(a) Concentration: A person shall not discharge from any source whatsoever particulate matter in excess of 0.15 grain per standard dry cubic foot of exhaust gas.

(b) Process Weight: A person shall not discharge in any one hour from any source whatsoever particulate matter in excess of the amount shown in Table I.

TABLE I

ALLOWABLE RATE OF EMISSION BASED ON PROCESS WEIGHT RATE (a)

Process Weight Rate		Rate of Emission	Process Weight Rate		Rate of Emission
Lb/Hr	Tons/Hr	Lb/Hr	Lb/Hr	Tons/Hr	Lb/Hr
100	0.05	0.551	8,000	4.00	10.4
200	0.10	0.877	9,000	4.50	11.2
400	0.20	1.40	10,000	5.00	12.0
600	0.30	1.83	12,000	6.00	13.6
800	0.40	2.22	16,000	8.00	16.5
1,000	0.50	2.58	18,000	9.00	17.9
1,500	0.75	3.38	20,000	10.00	19.2
2,000	1.00	4.10	30,000	15.00	25.2
2,500	1.25	4.76	40,000	20.00	30.5
3,000	1.50	5.38	50,000	25.00	35.4
3,500	1.75	5.96	60,000 or more	30.00	40.0
4,000	2.00	6.52			
5,000	2.50	7.58			
6,000	3.00	8.56			
7,000	3.50	9.49			

(a) Interpolation of the date in this Table shall be accomplished by the use of the equation:

$$E = 4.10\ P^{0.67}$$

E = rate of emission in lbs/hr
P = process weight rate in tons/hr

(50.2) (50.3) RULE 404. Sulfur Compounds and Nitrogen Oxides.

A person shall not discharge from any single source whatsoever any one or more of the following contaminants in any state or combination thereof, exceeding in concentration or amount at the point of discharge to the atmosphere:

(a) Sulfur compounds calculated as sulfur dioxide: 0.2 per cent by volume.

(b) Nitrogen oxides, calculated as nitrogen dioxide (NO_2): 140 pounds per hour from any new or expanded boiler, furnace, jet engine, or similar fuel burning equipment used for the production of power or heat.

(c) (9-16-76) From fuel burning equipment having a maximum heat input of more than 1 1/2 billion BTU per hour (gross), flue gas having a concentration of nitrogen oxides calculated as nitrogen dioxide (NO_2) in parts per million parts of flue gas (ppm) by volume at 3 per cent oxygen: 225 ppm with natural gas, liquid or solid fuel.

(2.0) RULE 405. Exceptions.

Rules 400, 403 and 404 do not apply to:

(a) Fires set by or permitted by a public officer if such fire is set or permission given in the performance of the official duty of such officer, and such fire in the opinion of such officer is necessary:

(1) For the purpose of the prevention of a fire hazard which cannot be abated by other means, or

(2) The instruction of public employees in the methods of fighting fire.

(b) Fires set pursuant to a permit on property used for industrial purposes for the purpose of instruction of employees in methods of fighting fire.

(c) Agricultural operations in the growing of crops or raising of fowls or animals, or

(d) The use of an orchard, field crop, or citrus grove heater which does not produce unconsumed, solid carbonaceous matter at a rate in excess of that allowed by state law.

(e) The use of other equipment in agricultural operations in the growing of crops, or raising of fowls, or animals.

(2.0) RULE 406. Additional Exception.

The provisions of Rule 402, relating to odors, do not apply to odors emanating from agricultural operation in the growing of crops or raising of fowls or animals (Section 41705).

(51.13) RULE 407. Open Outdoor Fires.

A person shall not burn any combustible refuse in any open outdoor fire within the boundaries of the Monterey Bay Unified Air Pollution Control District, except:

(a) When such fire is set or permission for such fire is given in the performance of the official duty of any public officer, and such fire in the opinion of such officer is necessary:

(1) For the purpose of the prevention of a fire hazard which cannot be abated by other means, or

(2) The instruction of public employees in the methods of fighting fire.

(b) When such fire is set pursuant to permit on property used for industrial purposes for the purpose of instruction of employees in methods of fighting fire.

(c) Agricultural fires necessary to maintain and continue an agricultural operation set or permitted by a fire official having jurisdiction in the performance of official duty for the purposes of:

(1) Control and disposal of agricultural wastes.

(2) Range improvement burning.

(3) Forest management burning.

(4) Fires set in the course of any agricultural operation in the growing of crops, or raising of fowls, animals or bees.

(d) Safety flares for the combustion of waste gases.

(e) On burn days only, fires for disposal of household rubbish of a single or two-family dwelling on its premises, in an area not served on a weekly basis by an organized solid waste disposal service.

(f) On burn days only, between December 1 and March 31, fires for disposal of yard trimmings and brush originating on and being burned on the premises of a single or two family dwelling.

(g) Within the San Benito County zone, fires for disposal of household rubbish of a single or two-family dwelling on its premises.

(h) Fires used only for the cooking of food for human beings or for recreational purposes.

(i) Fires, on burn days only, used for the clearing of rights-of-way by a public entity or public utility where access by chipping equipment is not available by existing means or for reservoir maintenance.

(j) Except in case of emergency, permits for the setting of a fire or fires permitted by paragraphs (a), (b), (e) and (i) of this rule shall be granted by the public official having jurisdiction only after consultation with the Air Pollution Control Officer.

(k) Mechanized burners may be used as provided in section 41812, Division 26, State Health and Safety Code.

(51.9) RULE 408. Incinerator Burning.

A person shall not burn any combustible refuse in any incinerator, except in a multiple-chamber incinerator as described in Rule 101 (n), or in equipment found by the Air Pollution Control Officer in advance of such use to be equally effective for the purpose of air pollution control as an approved multiple-chamber incinerator.

(a) Household rubbish and yard trimmings and brush in an area not served on a weekly basis by an organized solid waste disposal service.

(b) Within the San Benito County Zone:

(1) Household rubbish and yard trimmings of a single or two family dwelling on its premises.

(2) Incinerators in operation before January 1, 1975, burning combustible refuse from other residential, commercial, or industrial establishments.

(51.13) RULE 409. Burning of Agricultural Wastes.

(a) (1) Material to be burned shall be as dry as feasible prior to burning, and shall be free from combustible impurities such as tires, tar paper, rubbish, plastics, demolition or construction debris, and shall be reasonable free of dirt, soil, and visible surface moisture.

(2) Trees and branches over two inches in diameter shall have been dried for at least 60 days prior to burning.

(3) Branches under two inches in diameter and prunings shall have been dried for at least 30 days prior to burning.

(4) Wastes from field crops that are cut in a green condition shall have been dried for at least 10 days prior to burning.

(5) Material to be burned shall be so arranged as to burn with a minumum of smoke.

(6) Empty fertilizer and pesticide sacks or containers may be burned on burn days only in the field where the sacks or containers are emptied or in other areas approved by the Air Pollution Control Officer.

(b) The following practices shall not be followed:

(1) Burning of garlic tops in the harvesting operation.

(2) The use of oil or tires in connection with the ignition or burning or agricultural wastes, roadsides, ditch banks, or patches or vegetation.

(c) No agricultural wastes shall be burned without a permit issued by a fire protection authority designated by the State Air Resources Board. In condition to the issuance of a permit, each applicant shall provide the information required by the issuing agency on forms prepared jointly by said agency and the District. The permit may place a limit upon the amount of materials to be burned in any one day and the hours of the day during which time the material may be burned.

(51.13) RULE 410. Range Improvement Burning.

(a) No range improvement or forest management burning may be done without first having obtained a permit from the California Division of Forestry or other designated agency.

(b) No person shall conduct range improvement burning on "no burn" days as announced daily by the California Air Resources Board for the North Central Coast Air Basin except as follows:

(1) Where a commitment for a "burn" has been given by the Air Resources Board in advance as prescribed by the State Guidelines and such commitment has not been canceled by the Air Resources Board in advance of such a burn date.

(c) Range improvement burning when permitted shall conform to the following criteria:

(1) Before a permit may be issued for a range improvement burn a plan for the burn shall be submitted by the owner, or his agent, of the land on which the burn is proposed to the District and the California Division of Forestry, or other designated agency.

(2) The plan shall cover the following: Ownership, location, equipment available, manpower available, fireguard locations, proposed date and hours of burn, treatment given to trees and brush, method and plan for ignition, location of populated areas, if any, within 20 miles of the exterior boundaries of the burn, or any other information required by the District or the Division of Forestry or other designated agency.

(3) Prior to issuance of a permit hereunder the plan for the proposed burn must be satisfactory to the District and the California Division of Forestry, or other designated agency.

(4) Where economically and technically feasible, brush shall be treated by chemical or mechanical means at least 6 months prior to a proposed burn, to kill or uproot the brush in order to insure rapid combustion.

(5) Unwanted trees over 6" in diameter in the burn area or those not effectively treated at the time of the brush treatment shall be felled at least 3 months prior to the burn, but a longer time may be required where conditions warrant.

(6) The burn shall be ignited only be devices and methods approved by the California Division of Forestry and ignitions shall be as rapid as practicable within applicable fire control restrictions.

(7) Not more than one control burn shall be conducted within a zone in any one five-day period.

(8) The number of acres in any one burn may be limited by the District, taking into consideration matters which would affect the ambient air quality of the District, and particularly the effects on nearby population areas.

(9) Burning being done primarily for improvement of land for wildlife and game habitat shall require the filing with the District a permit obtained from the Department of Fish and Game certifying the burning is desirable and proper for the improvement of land for wildlife and game habitat.

(10) Burning shall not commence when wind direction is toward a populated area which would be adversely affected by the burn.

(51.13) RULE 411. <u>Forest Management Burning.</u>

(a) No forest management burning may be done without first having obtained a permit from the California Division of Forestry or other designated agency.

(b) No person shall conduct forest management burning on "no burn" days as announced daily by the California Air Resources Board for the North Central Coast Air Basin.

(c) Forest management burning when permitted shall conform to the following criteria:

(1) Before a permit may be issued for a forest management burn, a plan for the burn shall be submitted by the owner, or his agent, of the land on which the burn is proposed, to the district and the California Division of Forestry, or other designated agency.

(2) Where economically and technically feasible, unwanted trees and brush shall be treated by chemical or mechanical means at least 6 months prior to the proposed burn to kill or uproot the trees or brush in order to insure rapid combustion.

(3) Wastes shall be dried sufficiently to insure rapid combustion.

(4) Waste to be burned shall be free from tires, rubbish, tar paper, and construction and demolition debris.

(5) Where possible, unless good management dictates otherwise, waste to be burned shall be windrowed or piled so as to burn with a minimum of smoke.

(6) Piled or windrowed waste should be reasonably free from soil or surface moisture.

(7) Not more than one forest management burn shall be conducted within the District in any one three-day period.

(8) The amount of material in any one burn may be limited by the District, taking into consideration matters which would affect the ambient air quality of the District.

(9) The material to be burned shall be ignited only by devices approved by the California Division of Forestry and ignition shall be as rapid as practicable within applicable fire control restrictions.

(10) Burning shall not commence when wind direction is toward a populated area which would be adversely affected by the burn.

(50.2) RULE 412. Sulfur Content of Fuels.

(a) No person shall burn within the District any gaseous fuel containing sulfur compounds in excess of 50 grains per 100 cubic feet of gaseous fuel, calculated as hydrogen sulfide at standard conditions, or any

liquid fuel or solid fuel having a sulfur content in excess of 0.5 per cent by weight.

Except as stated in subsection (b) of this rule, the provisions of this rule shall not apply to:

(1) The burning of sulfur, hydrogen sulfide, acid sludge or other sulfur compounds in the manufacturing of sulfur or sulfur compounds.

(2) The incinerating of waste gases provided that the gross heating value of such gases is less than 300 British thermal units per cubic foot at standard conditions and the fuel used to incinerate such waste gases does not contain sulfur compounds in excess of the amount specified in this Rule.

(3) The use of solid fuels in any metallurgical process.

(4) The use of fuels where the gaseous products of combustion are used as raw materials for other processes.

(5) The use of liquid, or solid fuel, to propel or test any vehicle, aircraft, missile, locomotive, boat or ship.

(6) The use of liquid fuel whenever the supply of gaseous fuel, the burning of which is permitted by this rule, is not physically available to the user due to accident, act of God, act of war, act of the public enemy, or failure of the supplier.

(7) The use of liquid fuel during a period for which the supplier of gaseous fuel, the burning of which is not prohibited by this rule, interrupts the delivery of gaseous fuel to the user.

(b) Notwithstanding the provisions of paragraphs (6) and (7) for subsection (2) of this rule, a person shall not burn in any fuel burning equipment of more than 15 million BTU per hour capacity any liquid or solid fuel having a sulfur content in excess of 0.5% by weight. It shall not be a violation of this rule to burn such fuel for a period not to exceed three successive calender days (and in addition, for that period of time necessary for the Hearing Board to render a decision, providing that an application for a variance is filed within said three days period) when other fuel which complies with this rule is not available due to accident, strike, sabotage or act of God.

(50.2) RULE 413. Removal of Sulfur Compounds.

The provisions of Rule 412 shall not apply where sulfur compounds are removed from combustion products, or a mixure of fuels is used to the extent that the emission of sulfur compounds to the atmosphere is no greater than that which would be emitted by using a liquid or solid fuel complying with Rule 412.

(51.21) RULE 414. Reduction of Animal Matter.

A person shall not operate or use any article, machine, equipment or other contrivance for the reduction of animal matter unless all gases, vapors and gas-entrained effluents from such an article, machine, equipment or other contrivance are:

(a) Incinerated at temperatures of not less than 1200 degrees Fahrenheit for a period of not less than 0.3 seconds; or

(b) Processed in such a manner determined by the Air Pollution Control Officer to be equally, or more effective for the purpose of air pollution control than (a) above.

A person incinerating or processing gases, vapors or gas-entrained effluent pursuant to this rule shall provide, properly install and maintain in calibration, in good working order and in operation, devices, as specified in the Authority to Construct or Permit to Operate or as specified by the Air Pollution Control Officer, for recording temperature, pressure or other operating conditions.

The provisions of this rule shall not apply to any article, machine, equipment or other contrivance used exclusively for the processing of food for human comsumption.

(2.0) RULE 415. Circumvention.

A person shall not build, erect, install, or use any article, machine, equipment or other contrivance, the use of which, without resulting in a reduction in the total release of air contaminants to the atmosphere, reduces or conceals an emission which would otherwise constitute a violation of Division 26, Chapter 8, Part 3 of the Health and Safety Code of the State of California or of these Rules and Regulation. This rule shall not apply to cases in which the only violation involved is of Section 41700 of the Health and Safety Code of the State of California, or of Rule 402 of these Rules and Regulations.

(50.7) RULE 416. Organic Solvents.

(a) A person shall not discharge more than 15 pounds of organic materials into the atmosphere in any one day, nor more than 3 pounds in any one hour, from any article, machine, equipment or other contrivance in which any organic solvent or any material containing organic solvent comes into contact with flame or is baked, heat-cured or heat-polymerized, in the presence of oxygen, unless said discharge has been reduced by at least 85 percent. Those portions of any series of articles, machines, equipment or other contrivances designed for processing a continuous web, strip or wire which emit organic materials and use continuous operations described in this

section shall be collectively subject to compliance with this section.

(b) A person shall not discharge more than 40 pounds of organic materials into the atmosphere in any one day, nor more than 8 pounds in any one hour, from any article, machine, equipment, or other contrivance used under conditions other than described in section (a), for employing, or applying, any photochemically reactive solvent, as defined in section (j), or material containing such photochemically reactive solvent, unless said discharge has been reduced by at least 85 percent. Emissions of organic materials into the atmosphere resulting from air or heated drying of products for the first 12 hours after their removal from any article, machine, equipment, or other contrivance described in this section shall be included in determining compliance with this section. Emissions resulting from baking, heat curing or heat-polymerizing as described in section (a) shall be excluded from determination of compliance with this section. Those portions of any series of articles, machines, equipment or other contrivances designed for processing a continuous web, strip or wire which emit organic materials and use operations described in this section shall be collectively subject to compliance with this section.

(c) A person shall not discharge into the atmosphere more than 3,000 pounds of organic materials in any one day, nor more than 450 pounds in any one hour, from any article, machine, equipment or other contrivance in which any non-photochemically reactive organic solvent or any material containing such solvent is employed or applied, unless said discharge has been reduced by at least 85 percent. Emissions of organic materials into the atmosphere resulting from air or heated drying of products for the first 12 hours after their removal from any article, machine, equipment, or other contrivance described in this section shall be included in determining compliance with this section. Emissions resulting from baking, heat-curing, or heat-polymerizing as described in section (a) shall be excluded from determination of compliance with this section. Those portions of any series of articles, machines, equipment or other contrivances designed for processing a continuous web, strip or wire which emit organic materials and use operations described in this section shall be collectively subject to compliance with this section.

(d) Emission of organic materials to the atmosphere for the cleanup with photochemically reactive solvent, as defined in section (j), of any article, machine, equipment or other contrivance described in sections (a), (b), or (c), shall be included with the other emissions or organic materials from that article, machine, equipment or other emissions or organic materials from that article, machine, equipment or other contrivance for determining compliance with this rule.

(e) Emissions of organic materials into the atmosphere required to be controlled by sections (a), (b), or (c), shall be reduced by:

(1) Incineration, provided that 90 percent or more of the carbon in the organic material being incinerated is oxidized to carbon dioxide, or

(2) Adsorption, or

(3) Processing in a manner determined by the Air Pollution Control Officer to be not less effective than (1) or (2) above.

(f) A person incinerating, adsorbing, or otherwise processing organic materials pursuant to this rule shall provide, properly install and maintain in calibration, in good working order and in operation, devices as specified by the Air Pollution Control Officer, for indicating and recording temperatures, pressures, rates of flow or other operating conditions necessary to determine the degree and effectiveness of air pollution control.

(g) Any person using organic solvents or any materials containing organic solvents shall supply the Air Pollution Control Officer, upon request and in the manner and form prescribed by him, written evidence of the chemical compositions, physical properties and amount consumed for each organic solvent used.

(h) The provisions of this rule shall not apply to:

(1) The manufacture of organic solvents, or the transport or storage of organic solvents or materials containing organic solvents.

(2) The use of equipment for which other requirements are specified by Rules 417, 418, 419, and 420 or which are exempt from air pollution control requirements by said rules.

(3) The spraying or other employment of insecticides, pesticides or herbicides.

(4) The employment, application, evaporation or drying or saturated halogenated hydrocarbons or perchloroethylene.

(5) The use of any material, in any article, machine, equipment or other contrivance described in sections (a), (b), (c) or (d),if:

(i) the volatile content of such material consists only of water and organic solvents, and

(ii) the organic solvents comprise not more than 20 per cent of said volatile content, and

(iii) the volatile content is not photochemically reactive as defined in section (j), and

(iv) the organic solvent or any material containing organic solvent does not come into contact with flame.

(6) The use of any material, in any article, machine, equipment or other contrivance described in sections (a), (b), (c) or (d), if:

(i) the organic solvent content of such material does not exceed 20 per cent by volume of said materials, and

(ii) the volatile content is not photochemically reactive as defined in section (j), and

(iii) more than 50 per cent by volume of such volatile material is evaporated before entering a chamber heated above ambient application temperature, and

(iv) the organic solvent or any material containing organic solvent does not come into contact with flame.

(7) The use of any material, in any article, machine, equipment or other contrivance described in sections (a), (b), (c) or (d), if:

(i) the organic solvent content of such material does not exceed 5 per cent by volume of said material, and

(ii) the volatile content is not photochemically reactive as defined in section (j), and

(iii) the organic solvent or any material containing organic solvent does not come into contact with flame.

(i) For the purposes of this rule, organic solvents include diluents and thinners and are defined as organic materials which are liquids at standard conditions and which are used as dissolvers, viscosity reducers or cleaning agents, except that such materials which exhibit a boiling point higher than 220°F at 0.5 millimeter mercury absolute pressure or have an equivalent vapor pressure shall not be considered to be solvents unless exposed to temperatures exceeding 220°F.

(j) For the purposes of this rule, photochemically reactive solvent is any solvent with an aggregate of more than 20 per cent of its total volume composed of the chemical compounds classified below or which exceeds any of the following individual percentage composition limitations, referred to the total volume of solvent:

(1) A combination of hydrocarbons, alcohols, aldehydes, esters, ethers or ketones having an olefinic or cyclo-olefinic type of unsaturation: 5 per cent;

(2) A combination of aromatic compounds with eight or more carbon atoms to the molecule except ethylbenzene: 8 per cent;

(3) A combination of ethylbenzene, ketones having branched hydrocarbon structures, trichloroethylene or toluene: 20 per cent.

Whenever any organic solvent or any constitutent of an organic solvent may be classified from its chemical structure into more than one of the above groups or organic compounds, it shall be considered as a member of the most reactive chemical group; that is, that group having the least allowable percentage of the total volume of solvents.

(k) For the purposes of this rule, organic materials are defined as chemical compounds of carbon excluding carbon monoxide, carbon dioxide, carbonic acid, metallic carbides, metallic carbonates and ammonium carbonate.

(51.16) RULE 417. Storage of Petroleum Products.

A person shall not place, store or hold in any stationary tank, reservoir or other container of more than 40,000 gallons capacity any gasoline or any petroleum distillate having a vapor pressure of 1.5 pounds per square inch absolute or greater under actual storage conditions, unless such tank, reservoir or other container is a pressure tank maintaining working pressures sufficient at all times to prevent hydrocarbon vapor or gas loss to the atmosphere, or is designed and equipped with one of the following vapor loss control devices, properly installed, in good working order and in operation.

(a) A floating roof, consisting of a pontoon type or double-deck type roof, resting on the surface of the liquid contents and equipped with a pressure seal, or seals, to close the space between the roof edge and tank wall. The control equipment provided for in this paragraph shall not be used if the gasoline or petroleum distillate has a vapor pressure of 11.0 pounds per square inch absolute or greater under actual storage conditions. All tank gauging and sampling devices shall be gas-tight except when gauging or sampling is taking place.

(b) A vapor recovery system, consisting of a vapor gathering system capable of collecting the hydrocarbon vapors and gases discharged and a vapor disposal system capable of processing such hydrocarbon vapors and gases so as to prevent their emission to the atmosphere and with all tank gauging and sampling devices gas-tight except when gauging or sampling is taking place.

(c) Other equipment of equal efficiency, provided such equipment is submitted to and approved by the Air Pollution Control Officer.

(51.16) RULE 418. Transfer of Gasoline into Stationary Storage Containers.

(a) A person shall not transfer or permit the transfer of gasoline from any delivery vessel (i.e., tank truck or trailer) into any stationary storage container with a capacity of more than 250 gallons unless such container is equipped with a permanent submerged fill pipe and unless 90 percent by weight of the gasoline vapors displaced during the filling of the stationary storage container are prevented from being released to the atmosphere.

(b) The provisions of subsection (a) shall be subject to the following exceptions:

(1) The transfer of gasoline into any stationary storage container used primarily for the fueling of implements of husbandry as such vehicles are defined in Division 16 (Section 36000 et seq.) of the California Vehicle Code, if such container is equipped by January 1, 1977, with a permanent submerged fill pipe.

(2) The transfer of gasoline into any stationary storage container having a capacity of 2,000 gallons or less which was installed prior to January 1, 1976, if such container is equipped by January 1, 1977, with a permanent submerged fill pipe.

(3) The transfer of gasoline into any stationary storage container in existence prior to January 1, 1976, which is served by a delivery vessel exempted by the Air Pollution Control Officer pursuant to subsection (d), if such container is equipped by January 1, 1977, with a permanent submerged fill pipe.

(4) The transfer of gasoline into any stationary storage container which the Air Pollution Control Officer finds is equipped with equipment to control emissions at least as effective as required by subsection (a).

(5) The transfer of gasoline into any stationary storage container in existence prior to January 1, 1976, which is equipped with an offset fill pipe.

(c) No person shall store gasoline in or otherwise use or operate any gasoline delivery vessel unless such vessel is designed and maintained to be vapor tight. Any delivery vessel into which gasoline vapors have been transferred shall be refilled only at a loading facility that is equipped with a system that prevents at least 90 percent by weight of the gasoline vapors displaced from entering the atmosphere.

(d) The owner or operator of any bulk loading facility not subject to the provisions of Rule 419 which was in operation on or before January 1, 1976, and for which the annual throughput to stationary storage containers that are not exempted by subsections (b) 1 and and (b) 2 does not exceed 500,000 gallons, may petition the Air Pollution Control Officer to have the facility's delivery vessels and other independently owned gasoline delivery vessels which are exclusively serviced at such facility excempted from the provisions of subsection (c). The owner or operator of such a facility must petition annually to renew such exemptions.

(e) A person shall not load gasoline into any delivery vessel from any loading facility granted an exemption pursuant to subsection (d) unless, by January 1, 1977, such delivery vessel is loaded through a submerged fill pipe.

(f) A person shall not operate any gasoline loading facility which is not subject to the provisions of Rule 419 after January 1, 1977, unless:

(1) The facility is equipped with a system or systems to prevent the release to the atmosphere of at least 90 percent by weight of the gasoline vapors displaced during the filling of the facility's stationary storage containers; and

(2) The facility is equipped with a pressure-vacuum valve on the above ground stationary storage containers with a minimum pressure valve setting of 15 ounces, provided that such setting will not exceed the container's maximum pressure rating.

(g) The owner or operator of any stationary storage container or gasoline loading facility which is subject to this Rule and which is installed or constructed on or after January 1, 1976, shall comply with the provisions of this Rule at the time of installation.

(h) The owner or operator or any stationary storage container subject to this Rule or gasoline loading facility granted an exemption pursuant to subsection (d) which is operating or in the process of being installed or constructed prior to January 1, 1976, shall comply with the provisions of this Rule by January 1, 1977, and shall comply with the following schedule:

(1) By May 1, 1976, - Apply for an authority to construct from the Air Pollution Control Officer for the installation of the needed control system;

(2) By July 1, 1976, - Submit to the Air Pollution Control Officer evidence that all necessary contracts for the design, procurement, and installation of the required emission control system

have been negotiated and signed, or evidence that orders for the purchase of component parts necessary to accomplish the necessary emission control have been issued;

(3) By September 1, 1976, - Initiate on-site construction or installation of emissions control equipment.

(4) By December 1, 1976, - Complete on-site construction or installation of emission control equipment; and

(5) By January 1, 1977, - Secure the Air Pollution Control Officer's approval of all equipment and a permit to operate.

(i) Any gasoline loading facility not granted an exemption pursuant to subsection (d) and non-exempt accounts served by such facility shall comply with the following schedule:

(1) By November 1, 1976, - Shall apply for an authority to construct from the Air Pollution Control Officer for the installation of the needed control system;

(2) By December 1, 1976, - Submit to the Air Pollution Control Officer evidence that all necessary contracts for the design, procurement, and installation of the required emissions control systems have been negotiated and signed, or evidence that orders for the purchase of component parts necessary to accomplish the necessary emission control have been issued;

(3) By March 1, 1977, - Initiate on-site construction or installation of emission control equipment;

(4) By June 1, 1977, - Complete on-site construction or installation of emissions control equipment; and

(5) By July 1, 1977, Secure the Air Pollution Control Officer's approval of all equipment and a permit to operate.

(j) Vapor-return and/or vapor recovery systems used to comply with the provisions of the Rule shall comply with all safety, fire, weights and measures, and other applicable codes and/or regulations.

(k) For the purposes of this Rule, the term "gasoline" is defined as any petroleum distillate having a Reid vapor pressure of 4 pounds or greater.

(l) For the purposes of this Rule "gasoline vapors" means the organic compounds in the displaced vapors including any entrained liquid gasoline.

(m) For the purposes of this Rule, the term "submerged fill pipe" is defined as any fill pipe, the discharge opening of which is entirely submerged when the liquid level is 6 inches above the bottom of the container. "Submerged fill pipe" when applied to a container which is loaded from the side is defined as any fill pipe the discharge opening of which is entirely submerged when the liquid level is 18 inches above the bottom of the container.

(51.16) RULE 419. Organic Liquid Loading.

A person shall not load organic liquids having a vapor pressure of 1.5 pounds per square inch absolute or greater under actual loading conditions into any tank truck, trailer, or railroad tank car from any loading facility unless the loading facility is equipped with a vapor collection and disposal system or its equivalent approved by the Air Pollution Control Officer.

Loading shall be accomplished in such a manner that all displaced vapor and air will be vented only to the vapor collection system. Measures shall be taken to prevent liquid drainage from the loading device when it is not in use or to accomplish complete drainage before the loading device is disconnected.

The vapor disposal portion of the vapor collection and disposal system shall consist of one of the following:

(a) An absorber system or condensation system which processes all vapor and recovers at least 90 per cent by weight of the organic vapors and gases from the equipment being controlled.

(b) A vapor handling system which directs all vapors to a fuel gas system.

(c) Other equipment of an efficiency equal to or greater than (a) or (b) if approved by the Air Pollution Control Officer.

This rule shall apply only to the loading of organic liquids having a vapor pressure of 1.5 pounds per square inch absolute or greater under actual loading conditions at a facility from which at least 20,000 gallons of such organic liquids are loaded in any one day.

"Loading Facility," for the purpose of this rule, shall mean any aggregation or combination of organic liquid loading equipment which is both (1) possessed by one person, and (2) located so that all the organic liquid loading outlets for such aggregation or combination of loading equipment can be encompassed within any circle of 300 feet in diameter.

(51.16) RULE 420. Effluent Oil Water Separators.

A person shall not use any compartment of any vessel or device operated for the recovery of oil from effluent water which recovers 200 gallons a day or more of any petroleum products from any equipment which processes, refines, stores, or handles hydrocarbons with a Reid vapor pressure of 0.5 pounds or greater, unless such compartment is equipped with one of the following vapor loss control devices, except when gauging or sampling is taking place:

(a) A solid cover with all openings sealed and totally enclosing the liquid contents of that compartment.

(b) A floating pontoon or double-deck type cover, equipped with closure seals, to enclose any space between the cover's edge and compartment wall.

(c) A vapor recovery system which reduces the emission of all hydrocarbon vapors and gases into the atmosphere by at least 90 per cent by weight.

(d) Other equipment of an efficiency equal to or greater than (a), (b) or (c) if approved by the Air Pollution Control Officer.

This rule shall not apply to any oil-effluent water separator used exclusively in conjunction with the production of crude oil, if the water fraction of the oil-water effluent entering the separator contains less than 5 parts per million hydrogen sulfide, organic sulfides, or a combination thereof.

(2.0) RULE 421.

Nothing in these Regulations is intended to permit any practice which is a violation of any statute, ordinance, rule or regulation.

REGULATION V

ORCHARD, FIELD CROP, OR CITRUS GROVE HEATERS

(1.0) RULE 500. Definition.

"Orchard heater" means any article, machine, equipment, or other contrivance burning any type of fuel, or a solid fuel block composed of petroleum coke burned by an open flame, used or capable of being used for the purpose of giving protection from frost damage. For the purpose of this regulation, "orchard heater" shall include heaters used for frost protection for orchards, vineyards, truck crops, and field crops, The contrivance commonly known as a wind machine is not included.

(3.0) RULE 501. Permits.

No person shall construct, place, maintain, store, or alter any orchard heater in any place where it may be used or operated for frost protection, or use or operate any such orchard heater without first obtaining a permit to do so from the Air Pollution Control Officer. Application for such permits shall be made to the Air Pollution Control Officer on forms obtained from him and shall contain all information called for by such forms. The Air Pollution Control Officer may require the applicant to furnish such additional information as he may deem necessary before passing on any application.

(51.1) RULE 502. Approved Orchard Heaters.

Orchard heaters used or placed in use for frost protection must by approved by the Air Resources Board or must not produce unconsumed solid carbonaceous material at a rate in excess of that allowed by state law.

(51.1) RULE 503. Condition of Heaters.

(a) All orchard heaters shall be maintained in reasonable clean condition, good repair and working order. The Control Officer may make inspections to determine the condition of the heaters. Upon findings contrary to any requirement of this rule, the application shall be refused approval until such time as the condition of the heaters is such to effect compliance.

(b) Whenever orchard heaters are burning they must be adequately attended and supervised to maintain the condition, adjustment and proper operation of the orchard heaters.

(51.1) RULE 504. Classification of Heaters.

For the purpose of this regulation, Class I heaters include any heater so designed or equipped that it will not discharge unconsumed solid carbonaceous material at a rate in excess of one-half (1/2) gram per minute, including: return stack heaters, pipe line systems, and coke heaters fueled with coke briquettes or solid coke.

Class II heaters include all distilling type heaters (except return stack heaters) approved by the Air Resources Board, and solid fuel blocks of petroleum coke. Class II heaters must not be operated at a primary air orifice in excess of that specified by the Air Resources Board except for the first ten (10) minutes after the heater is lighted.

(51.1) RULE 505. Non-Complying Heaters.

No person shall use for frost protection or store in an orchard, vineyard, of field any orchard heater after January 1, 1975, which does not comply with Rule 502 of this regulation.

(51.1) RULE 506. Prohibition of Sale of Heaters.

It shall be unlawful to sell, or offer to sell for use for frost protection within the counties of Monterey, San Benito and Santa Cruz, any orchard heater which does not comply with Rule 502 of this regulation.

(51.1) RULE 507. Burning Rubber and Other Substances.

It shall be unlawful for any person, for the purpose of frost protection, to burn any rubber, rubber tires, or any other substance containing rubber, or to burn oil or other combustible substance in drums, pails or other containers except orchard heaters.

(3.0) RULE 508. Fees.

Every applicant for a permit to use an orchard heater including non-complying heaters, shall pay a filing fee as set forth below for each non-contiguous parcel of land to be so heated:

Under 10 acres.....	$10.00
10 to 20 acres.....	15.00
Over 20 acres.....	20.00

The annual renewal fee shall be one-half the filing fee prescribed above for each parcel with any Type II orchard heater; or one fourth said filing fee for each parcel with all Type I heaters. The renewal fee is due and payable on November 1 each year. It is hereby determined that the cost of issuing permits and of inspections pertaining to such issuance exceeds the fees prescribed.

REGULATION VI

PROCEDURE BEFORE THE HEARING BOARD

(16.0) RULE 600. General.

This regulation shall apply to all hearings before the Hearing Board of the Monterey Bay Unified Air Pollution Control District.

(16.0) RULE 601. Filing Petitions.

Request for hearing shall be initiated by the filing of a petition in triplicate with the Clerk of the Hearing Board and the payment to said clerk of a fee of $50.00, after service of a copy of the petition has been made on the Air Pollution Control Officer, and one (1) copy on the holder of the permit or variance, if any involved. Service may be made in person or by mail, and service may be approved by written acknowledgement of the person served or by the affidavit of the person making the service.

No fee shall be required for the filing of a petition by a public agency or a public officer acting in the scope of his official capacity.

(16.0) RULE 602. Contents of Petitions.

Every petition shall state:

(a) The name, address and telephone number of the petitioner, or other person authorized to receive service of notices.

(b) Whether the petitioner is an individual, co-partnership, corporation or other entity, and names and address of partners, if a co-partnership, names and address of the managing officers, if a corporation, and the names and addresses of the persons in control,if other entity.

(c) The type of business or activity involved in the application and the street address at which it is conducted.

(d) A brief description of the article, machine, equipment or other contrivance, if any, involved in the application.

(e) The section or rule under which the petition is filed, that is, whether petitioner desires a hearing:

(1) To determine whether a permit shall be revoked or suspended permit reinstated under Section 42307. 42306, Health and Safety Code of the State of California;

(2) For an emergency variance under Section 42359, Health and Safety Code;

(3) For a short variance under Section 40825, Health and Safety Code.

(4) For a regular variance and approval of a compliance schedule under Section 42350 and 42348, Health and Safety Code.

(5) For an interim variance under Section 42351. Health and Safety Code, in conjunction with a petition for a short or regular variance.

(6) For a variance and/or approval of a compliance schedule for a rule not yet effective under Section 41703, Health and Safety Code;

(7) To revoke or modify a variance under Section 42356, Health and Safety Code;

(f) Each petition shall be signed by the petitioner, or by some person on his behalf, and where the person signing is not the petitioner it shall set forth this authority to sign.

(g) Petitions for revocation of permits shall allege in addition the rule under which permit was granted, the rule or section which is alleged to have been violated together with a brief statement of the facts constituting such alleged violation.

(h) Petitions for reinstatement of suspended permits shall allege in addition the rule under which the permit was granted, the request and alleged refusal which formed the basis for such suspension, together with a brief statement as to why information requested, if any, was not furnished, whether such information is believed by petitioner to be pertinent, and, if so, when it will be furnished.

(i) All petitions shall be type written, double spaced, on legal or letter size paper, on one side of the paper only, leaving a margin of at least one inch at the top and left side of each sheet.

(5.0) (16.0) RULE 603. Petitions for Variances.

In addition to the matters required by Rule 602, petitions for variance shall state briefly:

(a) The section, rule or order complained of.

(b) The facts showing why compliance with the section, rule or order is unreasonable.

(c) For what period of time the variance is sought and why.

(d) The damage or harm resulting or which would result to petitioner from compliance with such section, rule or order.

(e) Except in a petition for an interim or emergency variance, a final compliance date specifying when petitioner will be in compliance with the section or rule from which a variance is sought.

(f) If the final compliance date required in subsection (e) is one year or more after the date set for hearing (other than the hearing for an emergency or interim variance) then petitioner shall attach to his petition a proposed schedule of increments of progress as defined by Rule 106.

(g) Whether or not any case involving the same identical equipment or process is pending in any court, civil or criminal.

(h) Both the advantages and disadvantages to the residents of the district resulting from requiring compliance or resulting from granting a variance.

(i) Whether or not operations under such variance, if granted, would constitute a nuisance.

(16.0) RULE 604. Appeal From Denial.

A petition to review a denial or conditional approval of an authority to construct or permit to operate shall, in addition to the matters required by Rule 602, set forth a summary of the application or a copy thereof and the alleged reasons for the denial or conditional approval and the reasons for appeal.

(16.0) RULE 605. Failure to Comply With Rules.

The Clerk of the Hearing Board shall not accept for filing any petition which does not comply with these rules relating to the form, filing and service of petitions unless the Chairman or any three members of the Hearing Board direct otherwise and confirm such direction in writing. Such direction need not be made at a meeting of the Hearing Board. The Chairman or any three members, without a meeting, may require the petitioner to state further facts or reframe a petition so as to disclose clearly the issues involved.

(16.0) RULE 606. Answers.

Any person may file an answer within 10 days after service. All answers shall be served the same as petitions under Rule 601.

(16.0) RULE 607. Withdrawal of Petition.

The petitioner may withdraw petition at any time before submission of the case to the Hearing Board, without a hearing or meeting of the Hearing Board. The Clerk of the Hearing Board shall notify all interested persons of such withdrawal.

(16.0) RULE 608. Place of Hearing.

All hearings shall be held at the place designated by the Hearing Board.

(16.0) RULE 609. Notice of Hearing.

The Clerk of the Hearing Board shall mail or deliver a notice of hearing to the petitioner, the Air Pollution Control Officer, the holder of the permit or variance involved if any and to any person entitled to notice under Sections 40823, 40827, or 42308, Health and Safety Code.

(16.0) RULE 610. Evidence.

(a) Oral evidence shall be taken only on oath or affirmation.

(b) Each party shall have these rights: to call and examine witnesses; to introduce exhibits; to cross examine opposing witnesses on any matter relevant to the issues even though that matter was not covered in the direct examination; to impeach any witness regardless of which party first called him to testify; and to rebut the evidence against him. If respondent does not testify in his own behalf he may be called and examined as if under cross-examination.

(c) The hearing need not be conducted according to technical rules relating to evidence and witnesses. Any relevant evidence shall be admitted if it is the sort of evidence on which responsible persons are accustomed to rely in the conduct of serious affairs regardless of the existence of any common law or statutory rule which might make improper the admission of such evidence over objection in civil actions. The rules of privilege shall be effective to the same extent that they are now or hereafter may be recognized in civil actions, and irrelevant and unduly repetitious evidence shall be excluded.

(13.0) (16.0) RULE 611. Record of Proceedings.

A record of all proceedings had before the Hearing Board shall be made. The record shall be prepared in accordance with one of the following methods.

(1) A written summary of all the evidence, testimony and proceedings had and presented at the hearing shall be made by a person designated by the Hearing Board for that purpose; or

(2) A tape recording may be made of the proceedings; or

(3) Any interested person, including the District, may at his own cost provide a certified shorthand reporter satisfactory to the Hearing Board who shall prepare a verbatim transcript of all the evidence, testimony and proceedings had and presented at the hearing.

The Hearing Board may require that the original and one copy of such transcript, each certified to by the reporter as to its accuracy, be filed with the Hearing Board within 30 days from the closing date of the hearing unless required by the Board prior to that time.

(16.0) RULE 612. Preliminary Matters.

Preliminary matters such as setting a date for hearings, granting continuances, approving petitions for filing, allowing amendments, issuing subpoenas, and other preliminary rulings not determinative of the merits of the case may be made by the Chairman or any three members of the Hearing Board prior to that time.

(16.0) RULE 613. Official Notice.

The Hearing Board may take official notice of any matter which may be judicially noticed by the courts of this state.

(16.0) RULE 614. Continuances.

The Chairman or any three members of the Hearing Board shall grant any continuance of 15 days or less, concurred in by petitioner, the Air Pollution Control Officer and by every person who has filed an answer in the action and may grant any reasonable continuance; in either case such action may be ex parte, without a meeting of the Hearing Board and without prior notice.

(16.0) RULE 615. Decision.

The decision shall be in writing, served and filed within 30 days after submission of the cause by the parties thereto and shall contain the determination of the issues presented and the order of the Hearing Board. A copy shall be mailed or delivered to the Air Pollution Control Officer, the petitioner and to every person who has filed an answer or who has appeared as a party in person or by counsel at the hearing.

(16.0) RULE 616. Effective Date of Decision.

The decision shall become effective 15 days after delivery or mailing a copy of the decision, as provided in Rule 615, or the Hearing Board may order that the decision shall become effective sooner.

REGULATION VII-EMERGENCIES

(8.0) RULE 700. General.

This emergency regulation is designed to prevent the excessive buildup of air contaminants and to avoid any possibility of a catastrophe caused by toxic concentrations of air contaminants. Past history indicates that the possibility of such a catastrophe is extremely remote.

The Air Pollution Control Board deems it desirable to have ready an adequate plan to prevent such an occurrence, and in case of the happening of this unforeseen event, to provide for adequate actions to protect the health of the citizens in the Air Pollution Control District.

(9.0) RULE 701. Sampling Stations.

The Air Pollution Control Officer shall maintain at least four (4) permanently located atmospheric sampling stations adequately equipped. These sampling stations shall be continuously maintained at locations designated by the Air Pollution Control Officer after consultation with the Technical Advisory Committee. The Air Pollution Control Officer may maintain such additional sampling stations as may be necessary. These additional stations may be permanent, temporary, fixed, or mobile, and may be activated upon orders of the Air Pollution Control Officer.

(9.0) RULE 702. Air Sampling.

The Air Pollution Control Officer shall establish procedures whereby adequate samplings and analyses of air contaminants will be taken at each of the stations established under Rule 701.

(13.0) RULE 703. Reports.

The Air Pollution Control Officer shall make weekly summaries of the readings required by Rule 702. The summaries shall be in such form as to be understandable by the public. These summaries shall be public records and immediately after preparation shall be filed at the main office of the Air Pollution Control District and be available to the public, press, radio, television, and other mass media of communication.

(8.0) RULE 704. Continuing Program of Voluntary Cooperation.

Upon the adoption of this regulation the Air Pollution Control Officer shall inform the public of ways in which air pollution can be reduced and shall request voluntary cooperation from all persons in all activities which contribute to air pollution. Civic groups shall be encouraged to undertake campaigns of education and voluntary air pollution reduction in

their respective communities. Public officials shall be urged to take promptly such steps as may be helpful to reduce air contamination to a minimum within the areas of their authority. Employers shall be requested to establish car pools. Users of automotive vehicles shall be urged to keep motors in good condition and to plan routes and schedules which will contribute minimum contamination to critical areas of pollution. All industrial, commercial and business establishments which emit hydrocarbons or the air contaminants named in Rule 708 should critically study their operations from the standpoint of air contamination and should take appropriate action voluntarily to reduce air pollution.

(8.0) RULE 705. Plans.

(a) If the Air Pollution Control Officer finds that any industrial, business or commercial establishment or activity emits hydrocarbons or any of the contaminants named in Rule 708, he may give written notice to the owner or operator of such industrial, business or commercial establishment or activity to submit to the Air Pollution Control Officer plans for immediate shutdown or curtailment, in the event of an air pollution emergency, all of the sources of hydrocarbons or any of the contaminants named in Rule 708, including vehicles owned or operated by such person, his agents or employees in the scope of the business or operation of such establishment or activity. Such plans shall include, in addition to the other matters set forth in this rule, a list of all such sources of hydrocarbons and any of the contaminants named in Rule 708, and a statement of the minimum time and the recommemded time to effect a complete shutdown of each source in the event of an air pollution emergency. Such notice may be served in the manner prescribed by law for the service of summons, or by registered or certified mail. Each such person shall, within sixty (60) days after the receipt of such notice, or within such additional time as the Air Pollution Control Officer may specify in writing, submit to the Air Pollution Control Officer the plans and information described in the notice.

(b) The Air Pollution Control Officer shall prepare appropriate plans to be made effective and action to be taken in respect to a First or Second alert as follows:

In respect to a First Alert, the Air Pollution Control Officer shall develop plans calling for the operation of all privately owned vehicles on a pool basis as may be arranged by persons and employers of persons operating vehicles from home to work and in the business of such employer.

In respect to a Second Alert, the Control Officer shall prepare a program of action and steps to be taken under the provisions of Rule 710, paragraph c. The general nature of the plans to be made

effective upon a Second Alert shall be reported to and subject to review and approval by the Air Pollution Control Board.

It shall be the objective of such program to result in bringing about a diminution of air contaminants which occasioned the Second Alert and to prevent any increase thereof in order to protect the health of all persons within the area affected by the alert. It shall also be the objective of such plans that they may be effective to curtail the operations of industrial, business, commercial and other activities within the basin, but without undue interference with the operations of public utilities or other productive, industrial, business and other activities, the conduct of which is essential to the health and welfare of the community. It is further intended that any said plan of action shall not jeopardize the welfare of the public or result in irreparable injury to any means of production or distribution or the rendering of public utility services.

(8.0) RULE 706. Declaration of Alerts.

The Air Pollution Control Officer shall declare the appropriate "alert" whenever the concentration of any air pollution contaminant has been verified to have reached the standards set forth in Rule 708.

(8.0) RULE 707. Notification of Alerts.

Following the declaration of the appropriate "alert", the Air Pollution Control Officer shall communicate notification of the declaration of the alert to:

(a) The County Communications Director and the Sheriff who shall broadcast the declaration of the "alert" by the Sheriff's teletype and radio system to:

(1) All Sheriff's substations.

(2) All city police departments.

(3) California Highway Patrol.

(b) Local public officials and public safety personnel, who have responsibilities or interests in air pollution alerts.

(c) Air Pollution industrial plants and processes which require "alert" data in order to effect pre-arranged plans designed to reduce the output of air contaminants.

(d) The general public.

(e) All Air Pollution Control District personnel.

(8.0) RULE 708. Alert Stages for Toxic Air Pollutants.

(In parts per million of air)

	First Alert	Second Alert	Third Alert
Carbon Monoxide*	100	200	300
Nitrogen Oxides*	3	5	10
Sulfur Oxides*	3	5	10
Ozone*	0.25	0.5	1.0

*How measured: The Concentrations of air contaminants shall be measured in accordance with the procedures and recommendations established by the Technical Advisory Committee.

First Alert: Close approach to maximum allowable concentration for the population at large. Still safe but approaching a point where preventative action is required.

Second Alert: Air contamination level at which a health menace exists in a preliminary state.

Third Alert: Air contamination level at which a dangerous health menace exists.

(8.0) RULE 709. First Alert Action.

This is a warning alert and shall be called declared whenever the concentration of any contaminant has been verified to have reached the standards for the "first alert" set forth in Rule 708. The following action shall be taken upon the calling of the First Alert:

(a) A person shall not burn any combustible refuse at any location within the District in an open fire.

(b) Any person operating or maintaining any industrial, commercial or business establishment other than power plants or heating plants essential to health or safety, which establishments emit hydrocarbons or any of the contaminants named in Rule 708, and any person operating any private noncommercial vehicle, shall, during the First Alert period, take the necessary preliminary steps to the action required shall a Second Alert be declared.

(c) The Air Pollution Control Officer shall, by the use of all appropriate mass media of communication, request the public to stop all unessential use of vehicles within the District and to operate all privately

owned vehicles on a pool basis, and shall request all employers to activate employee car pools.

(d) When, after the declaration of the First Alert it appears to the Air Pollution Control Officer that the concentration of any contaminants in all or any portion of the District is increasing in such a manner that a Second Alert is likely to be called, he shall take the following actions:

(1) Notify the Air Pollution Control Board and request advice on actions to be taken.

(2) Give all possible notice to the public by all mass media of communication that a Second Alert may be called.

(8.0) RULE 710. Second Alert Action.

This is a preliminary health hazard alert and shall be declared when an air contaminant has been verified to have reached the standards set forth for the "Second Alert: in Rule 708.

The following action shall be taken upon the calling of the Second Alert:

(a) The action set forth in Rule 709, and

(b) The Air Pollution Control Board, if not already activated, shall be called into session and shall remain in session or reconvene from time to time as directed by the Air Pollution Control Officer to study all pertinent information relating to the emergency and to recommend to the Air Pollution Control Officer actions to be taken from time to time as conditions change.

(c) The Air Pollution Control Officer shall make effective, upon notice as provided in Rule 707, the program of action to be taken as previously developed pursuant to Rule 705, paragraph b, and to carry out the policy stated therein.

Pursuant to this alert, the Air Pollution Control Officer may impose limitations as to the general operation of vehicles as provided in Rule 705, permitting limited operation essential to accomodate industry, business, public utility and other services as may be necessary in the public welfare.

(d) In the event the control measures made effective under paragraph c. above prove to be inadequate to control the increase in the concentration of air contaminants, the Air Pollution Control Officer, with the advice of the Air Pollution Control Board shall take such steps as he may deem necessary to assure adequate control of existing air contaminants and to protect the health and safety of the public,

but, if possible, without employing such drastic remedial measures as to completely disrupt the economic life of the community or to result in irreparable injury to any form of production, manufacture or business.

(e) In the event that the Air Pollution Control Officer determines that the public health and safety is in danger, the Air Pollution Control Board may take any action authorized by this rule with less than a quorum present. A majority vote of the members present is required for any such action.

(8.0) RULE 711. Third Alert.

This is a dangerous health hazard alert and shall be declared when an air contaminant has been verified to have reached the standards set forth for the "Third Alert: in Rule 708.

The following action shall be taken upon the calling of the Third Alert:

(a) The actions set forth in Rule 709 and 710, and

(b) If it appears that the steps taken by the Air Pollution Control Officer will be inadequate to cope with the emergency, the Air Pollution Control Board shall request the Governor to declare that a state of emergency exists and to take appropriate actions as set forth in the California Disaster Act.

(8.0) RULE 712. End of Alert.

The Air Pollution Control Officer shall declare the termination of the appropriate alert whenever the concentration of an air contaminant which caused the declaration of such alert has been verified to have fallen below the standards set forth in Rule 708 for the calling of such alert and the available scientific and meteorological data indicates that the concentration of such air contaminant will not immediately increase again so as to reach the standards set forth for such alert in Rule 708. The Air Pollution Control Officer shall immediately communicate the declaration of the termination of the alert in the manner provided in Rule 707 for the declaration of alerts. The Communications Director and the Sheriff shall broadcast the termination of the alert in the same manner as provided in Rule 707 for the declaration of alerts.

REGULATION VIII - ORDERS FOR ABATEMENT

(16.0) RULE 800. General.

Notwithstanding Rule 600, this regulation shall apply to all hearings on orders for abatement before the Hearing Board of the Air Pollution Control District.

(16.0) RULE 801. Order for Abatement.

In accordance with Health and Safety Code Section 42450 and 42451, the Hearing Board, when petitioned as provided herein, is authorized and directed to notice and hold hearings for the purpose of issuing orders for abatement. The Hearing Board in holding hearings on the issuance of orders for abatement shall have all powers and duties conferred upon it by Health and Safety Code Division 26, Chapter 8, of Part 3.

(16.0) RULE 802. Filing Petitions.

Requests by the Air Pollution Control Officer for a hearing on an order for abatement shall be initiated by the filing of the original and two copies of the petition with the Clerk of the Hearing Board. One copy of the petition will then be served upon the person against whom the order for abatement is sought (the respondent). Service may be made in person or by mail, and service may be proved by written acknowledgment of the person served or by the affidavit of the person making the service.

(16.0) RULE 803. Contents of Petition.

The petition for order for abatement shall contain the following information:

(a) The name, address and telephone number of the respondent.

(b) The type of business or activity involved and the street address at which it is conducted.

(c) A brief description of the article, machine, equipment, or other contrivance, if any, involved in the violation emission.

(d) The section or rule which is alleged to have been violated, together with a brief statement of the facts constituting such alleged violation.

The permit status and history of the source sought to be abated may be included in the petition. A proposed order for abatement may also be included.

All petitions shall be typewritten, double-spaced, on letter-size paper (8-1/2 inches by 11 inches), on one side of the paper only, leaving a margin of at least one inch at the top and each side of the paper.

(16.0) RULE 804. Scope of Order.

An order for abatement issued by the Hearing Board shall include an order to comply with the statute or rule being violated. Such order may provide for installation of control equipment and for a schedule of completion and compliance. As an alternative to an order to comply, the Hearing Board may order the shutdown of any source of emissions which violates any statute or rule. An order for abatement may also include a directive to take other action determined appropriate to accomplish the necessary abatement.

(16.0) RULE 805. Findings.

No order for abatement shall be granted unless the Hearing Board makes all of the following findings:

(a) That the respondent is in violation of Section 41700 or 41701, Health and Safety Code, or of any rule or regulation of the Air Pollution Control Board.

(b) That the order of abatement will not constitute a taking of property without due process of law.

(c) That if the order for abatement results in the closing or elimination of an otherwise lawful business, such closing would not be without a corresponding benefit in reducing air contaminants.

(16.0) RULE 806. Pleadings.

Any person may file a written answer, other responsive pleading, memorandum, or brief not less than five days before the hearing. Said documents shall be served the same as petitions under Rule 802.

(16.0) RULE 807. Evidence.

(a) Oral evidence shall be taken only on oath or affirmation.

(b) Each party shall have these rights: to call and examine witnesses; to introduce exhibits; to cross-examine opposing witnesses on any matter relevant to the issues even though that matter was not covered in the direct examination; to impeach any witness regardless of which party first called him to testify; and to rebut the evidence

against him. If respondent does not testify in his own behalf he may be called and examined as if under cross-examination.

(c) The hearing need not be conducted according to technical rules relating to evidence and witnesses. Any relevant evidence shall be admitted if it is the sort of evidence on which responsible persons are accustomed to rely in the conduct of serious affairs, regardless of the existence of any common law or statutory rule which might make improper the admission of such evidence over objection in civil actions. Hearsay evidence may be used for the purpose of supplementing or explaining any direct evidence but shall not be sufficient in itself to support a finding unless it would be admissible over objection in civil actions. The rules or privilege shall be effective to the same extent that they are now or hereafter may be recognized in civil actions, and irrelevant and unduly repetitious evidence shall be excluded.

(16.0) (15.0) RULE 808. Failure to Comply with Rules.

The Clerk of the Hearing Board shall not accept for filing any petition which does not comply with these rules relating to the form, filing and service of petitions unless the Chairman or any two members of the Hearing Board direct otherwise and confirm such direction in writing. Such direction need not be made at a meeting of the Hearing Board. The Chairman or any two members, without a meeting, may require the petitioner to state further facts or reframe a petition so as to disclose clearly the issues involved.

(16.0) RULE 809. Withdrawal of Petition.

The Air Pollution Control Officer may withdraw his petition at any time before submission of the case to the Board without a hearing or meeting of the Hearing Board. The Clerk of the Hearing Board shall notify all interested persons of such withdrawal.

(16.0) RULE 810. Place of Hearing.

All hearings shall be held at the time and place designated by the Hearing Board.

(16.0) RULE 811. Notice of Hearing.

The Clerk of the Hearing Board shall mail or deliver a Notice of Hearing to the respondent and to any person entitled to notice under applicable provision of Division 26 of the Health and Safety Code, not less than 10 days before the date of the hearing.

(16.0) RULE 812. Preliminary Matters.

Preliminary matters such as setting a date for hearing, granting continuances, approving petitions for filing, allowing amendments and other preliminary rulings not determinative of the merits of the case may be made by the Chairman or any two members of the Hearing Board without a hearing or meeting of the Hearing Board and without notice.

(16.0) RULE 813. Official Notice.

The Hearing Board may take official notice of any matter which may be judicially noticed by the courts of this State.

(16.0) RULE 814. Continuance.

The Chairman or any two members of the Hearing Board shall grant any continuance of 15 days or less, concurred in by the respondent, the Air Pollution Control Officer, and by every person who has filed an answer or other pleading in the action and may grant any reasonable continuance; in either case such action may be ex parte, without a meeting of the Hearing Board and without prior notice.

(16.0) RULE 815. Order and Decision.

The decision shall be in writing, served and filed within 15 days after submission of the cause by the parties thereto and shall contain a brief statement of facts found to be true, the determination of the issues presented and the order of the Hearing Board. A copy shall be mailed or delivered to the Air Pollution Control Officer; the respondent, and to every person who has filed an answer or other pleading or who has applied as a party in person or by counsel at the hearing.

(16.0) RULE 816. Effective Date of Decision.

The decision shall become effective 15 days after delivering or mailing a copy of the decision, as provided in Rule 814, or the Hearing Board may order that the decision shall become effective sooner.

(50.3) RULE 404. Specific Air Contaminants.

On or after January 18, 1971, combustion gases from the combustion or a gaseous fuel which contains more than the following concentrations by volume of an hourly average of oxides of nitrogen, including but not limited to, nitric oxide and nitrogen dioxide.

(1) 350 ppm for equipment of less than 100 million BTU per hour.

(2) 300 ppm for equipment of between 100 million and 500 million BTU per hour.

(3) 200 ppm for equipment of between 1/2 billion and 1-1/2 billion BTU per hour.

(4) 150 ppm for equipment greater than 1-1/2 billion BTU per hour.

(50.3) RULE 408. Specific Air Contaminants.

Combustion gases which contain more than 500 parts per million, by volume of oxides of nitrogen, including, but not limited to, nitric oxide and nitrogen dioxide.